

*Iglesias v. Guevara, et al.*,  
19 CV 06508

## EXHIBIT 21

CHICAGO POLICE  
ARREST REPORT  
CPD-11.420 (REV. 6/92)

1 NAME (LAST - FIRST - MIDDLE)

IGLESIAS, Geraldo

2 SEX

3 RACE

4 AGE

5 DATE OF BIRTH

M

WH

24

DAY MONTH YEAR

6 C.B. NO

9420967

7 ALIAS OR NICKNAME

"SNAKE" Imperial Gangster

8 DIST. RES

025

9 HEIGHT

5-10

10 WEIGHT

150

11 HAIR

Blk

12 HAIR STYLE

Short

13 EYES

Brn

14 COMPLEXION

Med

15 I.R. NO

16 RESIDENCE ADDRESS

1705 W. DOLAN

APT. NO./FLOOR

17 DISTING. MARKS, SCARS, DISABILITIES, ETC.

Tattoo Rt/Arm I G

18 SOCIAL SECURITY NO

Unknown

19 V.G. NO

16A CITY - STATE

Chicago

ZIP CODE

60647

HOME TELEPHONE

None

20 STATE/PLACE OF BIRTH

Illinois

21 DRIVERS LICENSE NO

None

STATE

22 RD NO

X-250303

23 OCCUPATION

Unemployed

24 BUSINESS NAME - ADDRESS

DNA

CITY - STATE

ZIP CODE

BUSINESS TELEPHONE

25 ADDRESS OF ARREST

2135 N. Spaulding

31 RESISTED ARREST

YES NO

32 WEAPON

RIFLE SHOT-GUN KNIFE OTHER (SPECIFY)

33 PROPERTY INVENTORY NO(S)

DNA

34 FOR NARCOTIC ARREST

SUSPECT CANNABIS

SUSPECT CONTROLLED SUBSTANCE

APPRX WT NO PILLS

EST STREET VALUE CALL ORG CRIME

PAX 0-662 \$

35 VEHICLE - YEAR MAKE MODEL BODY STYLE COLOR STATE LICENSE NO OR V.I.N.

DISPOSITION OF VEHICLE

36 PERSON IN INVESTIGATIVE UNIT NOTIFIED

UNIT NOTIFIED

TIME

DNA

37 DOES ARRESTEE HAVE DEPENDENT CHILDREN AT HOME

YES NO

38 NAME OF A.S.A./FEL REV

CHARGES APPROVED

YES NO

TIME

39 VICTIM - COMPLAINT

NAME

Det. E. HALVORSEN

SEX RACE AGE HOME ADDRESS

M W 42 5555 W. Grand

CITY - STATE

Chgo

ZIP CODE

60630

TELEPHONE NO

312 746-8282

VICTIM INJURED IF YES - DESCRIBE INJURIES

YES NO

Gunshot to head/Homicide

VICTIM HOSPITALIZED

YES NO

TREATED &amp; RELEASED

HOSPITAL NAME

40 REFERENCES (CH - PAR)

41 OFFENSES

42 DISPOSITIONS

40 REFERENCES (CH - PAR)

41 OFFENSES

42 DISPOSITIONS

1 720/5-9-1a2 First Degree

2 Murder

3

4

43 NARRATIVE (The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following:)

The above named defendant, Gerardo IGLESIAS, was placed in custody for the murder of

Monica ROMAN. Gerardo IGLESIAS was identified in a line-up, as the person who on 7 June 93,

at 2148 N. Sawyer, shot Monica ROMAN in the head with a handgun, killing Monica ROMAN

ARRESTING DETECTIVES: T. RICCIO #20870

S. GAWRYS #20689

I do solemnly, sincerely, and truly declare and affirm that the facts stated herein are accurate to the best of my knowledge.

44 FIRST ARRESTING/APPEARING OFFICER - PRINT NAME

BEAT NO

FURLO

D.O. GRP

MISD. ORD. CRT. KEY

45 SECOND ARRESTING OFFICER - PRINT NAME - STAR NO

UNIT

46 VEHICLE ASSIGNED

ONE TWO OTHER

47 INITIAL APPROVAL OF PROBABLE CAUSE - SIG - STAR

48 RESULTS OF FINGERPR. CHECK WAIVER BY - STAR

DATE

TIME

49 APPROVAL OF CHARGES - SIG - STAR

DATE

TIME

WATCH COMMANDER'S NOTATIONS

50 ARRESTEE SEARCHED BY

STAREMPL. NO. UNIT

51 DATE RECEIVED - LOCKUP

DATE

52 PERL PROPERTY RECEIPT NO

53 TELEPHONE NO CALLED

TIME

54 BOOKING OFFICER

STAREMPL. NO. UNIT

55 TIME FINGERPRINTED

56 TIME PHOTOGRAPHED

57 TIME FLD

58 PLACED IN CELL NO

COURT INFORMATION

59 ARR OFF DESIRED COURT DATE

BRANCH-CALL

60 COURT SGT TO HANDLE

YES NO

61 INITIAL COURT DATE

BRANCH-CALL

62 FINAL CRT. DATE

BRANCH-CALL

63 BONDED - DATE

TIME

64 BOND REFERENCE

65 BOND REFERENCE

RFC-Iglesias 000014

*Iglesias v. Guevara, et al.*,  
19 CV 06508

## EXHIBIT 22



**KENTUCKIANA**  
— COURT REPORTERS —

**CASE NO. 1:19-CV-6508**

**GERALDO IGLESIAS**

**V.**

**REYNALDO GUEVERA, ET AL.**

**DEPONENT:**

**STEPHEN GAWRYS**

**DATE:**

**October 27, 2021**



✉ [schedule@kentuckianareporters.com](mailto:schedule@kentuckianareporters.com)

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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE NORTHERN DISTRICT OF ILLINOIS  
3                   EASTERN DIVISION  
4           HON. FRANKLIN U. VALDERRAMA, DISTRICT JUDGE  
5           HON. MARIA VALDEZ, MAGISTRATE JUDGE  
6                   CASE NO.   1:19-CV-6508

7  
8                   GERALDO IGLESIAS,  
9                   Plaintiff

10  
11                   V.

12  
13           REYNALDO GUEVERA, ET AL.,  
14           Defendants

15  
16  
17  
18  
19  
20  
21  
22  
23   DEPONENT:   STEPHEN GAWRYS  
24   DATE:        OCTOBER 27, 2021  
25   REPORTER:   AALAYAH PURNELL

APPEARANCES

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(Appeared via videoconference)

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(Appeared via teleconference)

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(Appeared via videoconference)

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## STIPULATION

The VIDEO deposition of STEPHEN GAWRYS was taken at KENTUCKIANA COURT REPORTERS, 30 SOUTH WACKER DRIVE, 22ND FLOOR, CHICAGO, ILLINOIS 60606, via videoconference in which all participants attended remotely, on WEDNESDAY, the 27th day of OCTOBER 2021, at approximately 11:02 a.m. EST; said deposition was taken pursuant to the FEDERAL Rules of Civil Procedure. The oath in this matter was sworn remotely pursuant to FRCP 30.

It is agreed that AALAYAH PURNELL, being a Notary Public and Court Reporter, may swear the witness and that the reading and signing of the completed transcript by the witness is not waived.

## PROCEEDINGS

COURT REPORTER: We are on record. My name is Aalayah Purnell. I'm the video technician and court reporter today. Today is the 27th day of October 2021. The time is 11:03 a.m. Eastern Standard Time. We are convened by videoconference to take the deposition of Stephen Gawrys in the matter of Geraldo Iglesias versus Reynaldo Guevara, et al., pending in the United States District Court for the Northern District of Illinois, Eastern Division, case number 1:19-CV-6508. Will counsel please state your appearance, how you are attending, and the location you are attending from, starting with Plaintiff's counsel?

MR. HAZINSKI: This is John Hazinski representing the plaintiff, Geraldo Iglesias, appearing remotely from Chicago.

MR. RAHE: This is Austin Rahe appearing for the defendant, City of Chicago, via Zoom from the Chicagoland area.

MR. ENGQUIST: You don't need to put it on me. Josh Engquist, also taking it via Zoom in the Chicagoland area. I'm with my client, Mr. Gawrys. I represent the other individual defendants, with



1 the exception of Mr. Guevara.

2 MR. ZIBOLSKI: Good morning. This is Kevin  
3 Zibolski for Defendant Guevara. I'm attending by  
4 telephone from the City of Chicago.

5 COURT REPORTER: Thank you, Mr. Gawrys, will  
6 you please state your full name for the record?

7 THE WITNESS: Sure. First name is Stephen,  
8 S-T-E-P-H-E-N. Last name is Gawrys, G-A-W-R-Y-S.

9 COURT REPORTER: Thank you. And do all  
10 parties agree that the witness is, in fact,  
11 Mr. Gawrys?

12 MR. HAZINSKI: Yes.

13 MR. RAHE: Yes.

14 COURT REPORTER: Thank you. Sir, will you  
15 please raise your right hand? Do you solemnly  
16 swear or affirm that the testimony you are about to  
17 give will be the truth, the whole truth, and  
18 nothing but the truth?

19 THE WITNESS: I do.

20 COURT REPORTER: Thank you. Counsel, you may  
21 begin.

22 MR. HAZINSKI: Thank you.

23 DIRECT EXAMINATION

24 BY MR. HAZINSKI:

25 Q So sir, your name is pronounced Gawrys; is

1 that right?

2 A Correct.

3 Q Thank you. Have you ever given a deposition  
4 before?

5 A Hear me?

6 Q Yes. I'm sorry, did you answer? It didn't  
7 come through.

8 A Yeah, I did. I said yes. I'll speak louder.

9 Q Thank you. I appreciate that. How many  
10 times?

11 A Two or three times.

12 Q Well, you have some familiarity with this  
13 process, but just to make sure things go smoothly, I'm  
14 going to go over some ground rules in the beginning. The  
15 first of which we've already run into a little bit,  
16 which is, especially in these remote contexts, it's  
17 important that we try not to speak over one another,  
18 because, as you can tell, the court reporter here is  
19 taking down everything we say. So I'll do my best to  
20 let you finish answering a question before I start  
21 asking a new one and I'd ask that you try to let me  
22 finish asking before you answer; is that fair?

23 A Fair.

24 Q Thank you. If you don't understand a question  
25 that I ask whether because it's a confusing question or

1 because there's some problem with the technology, please  
2 ask me to clarify or restate or rephrase the question.  
3 And if you answer it, I'll assume that you understood  
4 me; is that fair?

5 A Fair.

6 Q You're welcome to take a break at any time  
7 you'd like to.

8 A Okay.

9 Q So the only thing I'd ask is that you not take  
10 a break while I still have a question pending to you,  
11 okay? Mr. Gawrys, do you have any medical issues or are  
12 you taking any medications that affect your memory?

13 A Yes. Both.

14 Q And what are the medical issues that affect  
15 your memory?

16 A I have bad back, bad hip. It's from a cancer  
17 surgery.

18 MR. ENGQUIST: He's asking if it affects your  
19 memory though, Steve.

20 THE WITNESS: Pardon me?

21 MR. ENGQUIST: If it affects your memory.

22 A Oh, no, it doesn't affect my memory. And I  
23 took Tylenol, that's all.

24 BY MR. HAZINSKI:

25 Q Well, I'm sorry to hear about that. And you

1 know, if, for example, I know we're going to be sitting  
2 for a long time today, so if you need to take a break or  
3 readjust.

4 A Yeah, I'll let you know.

5 Q Please feel free, because we don't want you to  
6 have to be in pain during this process.

7 A Thank you.

8 Q Other than Tylenol, are you taking any  
9 medications that, and I'm asking only because if there  
10 are any medications you might be taking that would  
11 affect your memory?

12 A No.

13 Q You're in the room with your attorney,  
14 Mr. Engquist, correct?

15 A Correct.

16 Q Is anybody else in there with you?

17 A No. Just my dog.

18 Q Did you review any documents to prepare for  
19 this deposition?

20 A Yes.

21 Q What documents did you review?

22 A Supplementary, just the investigative file. I  
23 looked through that.

24 Q About how many pages long was the  
25 investigative file that you looked through?

1 A I don't know.

2 Q Did you read the entire investigative file  
3 carefully?

4 A Most of it. I tried to. Yeah, most of it.

5 Q Did you review any transcripts in preparation  
6 for your deposition?

7 A Yes.

8 Q What transcripts did you review?

9 A I believe it was from Guevara.

10 Q It was the testimony of Mr. Guevara?

11 A Yes.

12 Q Was the testimony from a criminal case or from  
13 a civil case?

14 A From this case.

15 Q Okay. When you say "from this case," do you  
16 mean from the criminal trial in this case?

17 A Yes.

18 Q Other than Mr. Guevara's testimony, did you  
19 review any other transcripts?

20 A No.

21 Q Did you look at any photographs?

22 A Any further what?

23 Q Any photographs?

24 A No.

25 Q In the investigative file you looked through,

1 I think you mentioned seeing supplementary reports. What  
2 other kinds of documents did you review in the  
3 investigative file?

4 A Maybe the original sub, some of the other  
5 subs, investigative subs, went through -- went through  
6 that, and then the sub with Guevara, Halvorsen, and then  
7 Riccio, and my name on it.

8 Q Did you review any handwritten police reports?

9 A No.

10 Q Did you meet with one or more of your  
11 attorneys to prepare for this deposition?

12 A Yes.

13 Q How many times?

14 A One time.

15 Q When was that?

16 A That would be during my -- after my last  
17 deposition. What was it last week? Week before?

18 Q What case was it in which you gave that last  
19 deposition?

20 A That was Maisonette.

21 Q Did you have the same attorneys representing  
22 you in that case?

23 A Yes.

24 Q Are you a defendant in the Maisonette case or  
25 were you just a witness?



1 A I was just a witness.

2 Q How long was your meeting with your attorney  
3 to prepare for this deposition?

4 A I'm not sure. I don't know. Maybe a couple  
5 hours.

6 Q Other than your attorney, have you talked to  
7 anybody else about your deposition in this case?

8 A No.

9 Q Mr. Gawrys, are you currently employed?

10 A Yes.

11 Q Where do you work?

12 A I work at Cook County Assessor's Office.

13 Q And what do you do at the Cook County  
14 Assessor's Office?

15 A I'm Chief of Investigations.

16 Q What are your responsibilities in that role?

17 A I have a team of investigators and we  
18 investigate erroneous exemptions on properties.

19 Q Do you supervise that team?

20 A Yes.

21 Q And how long have you had that job?

22 A Since 2014.

23 Q I want to go back in time. When were you  
24 first hired by the Chicago Police Department?

25 A November 1st, 1977.

1 Q And what was your first assignment within the  
2 police department?

3 A Patrol division.

4 Q How long did you remain in the patrol  
5 division?

6 A Well, I went from the district to a  
7 specialized unit in -- I don't know what year it was.  
8 I'm not sure. '84, '85, somewhere in there.

9 Q What was the name of the specialized unit you  
10 went to?

11 A Special Operations Group. We were the south  
12 unit.

13 Q And what were the responsibilities of the  
14 Special Operations Group?

15 A Responsibilities were to -- We were a mobile  
16 unit that we can go into any area on the south side and  
17 help assist the district personnel if they were having  
18 unusual crime patterns or things that were going on that  
19 they needed help on they couldn't handle.

20 Q Did your rank change when you joined the  
21 Special Operations Group?

22 A No.

23 Q Who was your supervisor, or who was in charge  
24 of supervising you in that role?

25 A I have no idea. I don't remember.

1 Q Was it a sergeant?

2 A Yes.

3 Q And how long did you remain with Special  
4 Operations?

5 A I really don't remember. Maybe two, three  
6 years.

7 Q Where'd you go after that?

8 A I got promoted to gang specialist.

9 Q What year was that promotion?

10 A Maybe 1985, '86. I'm not sure.

11 Q How long in total were you a gang specialist,  
12 approximately?

13 A Until 1990.

14 Q Was Rey Guevara one of your partners when you  
15 were a gang specialist?

16 A Yes.

17 Q Do you recall what period of time he was your  
18 partner?

19 A No, I did not.

20 Q Do you know if it was for more or less than a  
21 year?

22 A I have no idea.

23 Q Did you have multiple partners while you were  
24 a gang crime specialist?

25 A Yes.

1 Q Do you recall the names of any of your other  
2 partners while you were a gang crime specialist?

3 A Maybe Joe Sparks was one. I don't know. I  
4 don't remember. I couldn't be sure.

5 Q What did it mean to be partnered with another  
6 officer when you were a gang crime specialist?

7 A You just worked with that other person.

8 Q If you were partnered with a particular  
9 officer, did that mean that you worked on all of your  
10 cases together?

11 A Yeah, for the most part.

12 Q Can you estimate about how many cases you  
13 worked on in gang crimes with then gang crimes Officer  
14 Guevara?

15 A No, I have no idea.

16 Q What were the responsibilities of a gang crime  
17 specialist?

18 A Gang crime specialist, we were assigned, most  
19 of us, two gangs to monitor, and what you did is you  
20 collected information, intelligence, whatever you want  
21 to say, which consisted of cars and how many members in  
22 the section, who went to jail, who's coming out of  
23 prison. Those types of things.

24 Q When you said you were assigned two gangs, two  
25 as in T-W-O gangs?

1 A Yeah, two.

2 Q The number.

3 A One, two. Right.

4 Q Which two gang did you specialize in?

5 A I had the Latin Kings at Leavitt and Schuler  
6 and the Insane Unknowns, they were around, I think it  
7 was Damen and Armitage.

8 Q As a gang crime specialist, were you ever in  
9 charge of monitoring any other gangs?

10 A No, that was my only two responsibilities.

11 Q Okay. From what you remember during your  
12 partnership, what gangs did Officer Guevara specialize  
13 in?

14 A One of them he had was the Latin Lovers. I  
15 don't remember the second one.

16 Q Was there a particular -- so you mentioned two  
17 intersections associated with each of the gangs that you  
18 were in charge of monitoring. What geographic area of  
19 the city was that in?

20 A I don't know what you want. What do you mean  
21 area?

22 Q What part of the city is it in --

23 A It's the North side.

24 Q Okay. Particular neighborhood?

25 A One was Wicker Park. The other was Bucktown,

1 I'm guessing. I don't know. I don't remember.

2 Q So would it be fair to say that for the two  
3 gangs that you specialized in, that it was your job to  
4 know who the members of those gangs were?

5 A Yes.

6  
7  
8 Q Did you frequently make arrests of gang  
9 members?

10 A Yes.

11 Q Did you know the nicknames of the people that  
12 were in those gangs?

13 A For the most part, yes.

14 Q As a gang crimes officer, did you ever have to  
15 investigate serious crimes or violent crimes?

16 A Yes.

17 Q Okay. As part of those investigations, did  
18 you interview witnesses, for example?

19 A Yes.

20 Q Now on some occasions, gang crimes officers  
21 would work with violent crimes detectives, correct?

22 A That's correct. Did you hear me?

23 Q I'm sorry, my connection froze and I couldn't  
24 hear your answer. Could you say the answer one more  
25 time?



1 A What's the question again? You said we work  
2 together?

3 Q Yeah. Sometimes gang crime specialists work  
4 with violent crimes detectives, right?

5 A Yes.

6 Q If a violent crime occurred and there was  
7 suspected gang involvement, were there always violent  
8 crimes detectives that worked on that case, or was it  
9 sometimes that gang crimes specialists would investigate  
10 it without working with detectives?

11 MR. ENGQUIST: Objection. Calls for  
12 speculation. Also lack of foundation. But go  
13 ahead.

14 A If it was a violent crime, it was investigated  
15 by the detectives.

16 Q When you worked as a gang crimes specialist,  
17 can you describe how you would be assigned to work on a  
18 particular investigation?

19 A It would be by a sergeant.

20 Q And was the sergeant who did the assignments a  
21 gang crime sergeant or someone from the detective  
22 division?

23 A No, it'd be a gang crimes sergeant.

24 Q As a gang crimes officer, did you ever show  
25 photographs to eyewitnesses?

1 A Yes.

2 MR. ENGQUIST: Objection. Vague. Go ahead.

3 Q I think we got the answer. So did gang crimes  
4 officers, when you were a gang crime specialist, keep  
5 books with photographs of known gang members in them?

6 A Did we keep them? What do you mean?

7 Q Like -- let me --

8 A We had books --

9 Q Let me ask it a different way. As a gang  
10 crimes specialist, did you have access to books of  
11 photographs of known gang members?

12 A Yes.

13 Q Okay, Was there a name for those books?

14 A I don't know about a specific name. There  
15 were just gang books.

16 Q Gang books. Okay. As a gang crimes  
17 specialist, were you responsible for putting together  
18 those books?

19 A No.

20 Q As a specialist in particular gangs, were you  
21 ever responsible for adding or removing photographs from  
22 a gang book?

23 A No, you couldn't remove photos from there.  
24 Well, you shouldn't, let's put it that way. You  
25 shouldn't move.

Q Where were those books stored?

A Gang crimes office.

Q At the time you were a gang crimes specialist where was the gang crimes office?

A Belmont and Western.

Q Was that office shared with any other police details or divisions?

A Yes.

Q Which ones?

A It was an area building, so I think it was area three at the time. I'm not sure, the numbers keep changing. But we had the 19th District was in there, patrol division. And then you had the detective division on the second floor. Youth division was there.

Q And you said the -- and so, at that space at Belmont and Western, was the gang crimes office -- did it have its own dedicated space within that building?

A Yes.

Q Okay. Is -- and it was -- and the gang books were stored in that dedicated space, correct?

A Administrative office, yes.

Q What were those gang books used for?

A Identifications.

Q Can you explain how you would use one of those gang books for identifications?

1           A     If you had witnesses, you would bring them to  
2 the office. Depending on the information you had, you  
3 would pull those books.

4           Q     Did you ever take a gang book out? Take it  
5 out with you into the field?

6           A     I don't remember doing it, but I may have. I  
7 don't know.

8           Q     Okay. From your experience, do you know who  
9 was responsible within the police department for adding  
10 photos to gang books or taking photos out of gang books?

11          A     No.

12               MR. ENGQUIST: Objection to foundation.

13          Q     And as a gang crimes officer, did you  
14 personally ever have occasion to show gang books to  
15 witnesses during criminal investigations?

16          A     Yes.

17          Q     Do you recall approximately how many times you  
18 did that?

19          A     No.

20          Q     As a gang crimes specialist, did you take  
21 notes during investigations?

22          A     Yes.

23          Q     At the time, were you required to take notes  
24 on any particular form or type of report?

25          A     Say that again. On a certain report? Could

1 you repeat that, please?

2 Q Let me -- I'll just ask it in a more direct  
3 over. Were you required to make handwritten notes on  
4 GPRs as a gang crime specialist?

5 A No.

6 Q Did you take notes during witness interviews?

7 MR. ENGQUIST: Objection. Vague. And  
8 objection to foundation.

9 A I guess I can answer. What was it? What are  
10 you asking again? Say that again.

11 Q When you were working as a gang crimes  
12 specialist, you said you took notes during investigation  
13 sometimes. Did you take notes during witness  
14 interviews?

15 A Yes.

16 Q Were there other circumstances during  
17 investigations that you conducted as a gang crimes  
18 specialist where you took notes?

19 A Could have been. Depends on the  
20 circumstances.

21 Q Could you give me an example?

22 A Photo ID out of one of the gang books.

23 Q So if there was a positive photo ID out of one  
24 of the gang books, how would you document that  
25 information?

1           A     We would put that on a -- well, we could put  
2     it on a department patrol division supplementary, or we  
3     would call the detectives on the case to let them know  
4     that we do have an ID. That was for sure.

5           Q     Other than putting the information on a patrol  
6     division supplementary or calling the detectives, are  
7     there any other ways that you would document a positive  
8     ID from a gang book?

9           A     No. I can't think of any.

10          Q     As a gang crimes specialist, did you ever  
11     write memos or notes to detectives that you were working  
12     with on a case?

13          A     I don't remember doing it.

14          Q     If you took notes, handwritten notes, during  
15     an investigation as a gang crime specialist, what would  
16     you do with those notes after you made them?

17          A     Depends on what the notes were.

18          Q     Can you explain what you mean?

19          A     I don't know what you're looking for. What  
20     you mean by "notes."

21          Q     To take one example, let's say you made  
22     handwritten notes of a witness interview. After you  
23     made those handwritten notes, what would you use them  
24     for?

25          A     Use them for? We would notify detective



1 division, if need be, then reduce those notes to a  
2 supplementary report.

3 **Q And when you say "if need be, reduce them to a**  
4 **supplementary report," what do you mean?**

5 A Well, it depends what the notes were. I mean,  
6 I don't know how to explain it. If you're there with a  
7 witness or something and you're talking to somebody and  
8 detectives come in, sometimes detectives would come to  
9 our office and bring a witness in to show our books, so  
10 we would assist them and show them the books because  
11 outsiders weren't really allowed to most of the time,  
12 unless they're really well-known detectives, to go  
13 through our books.

14 **Q When you say "outsiders," do you mean folks**  
15 **who aren't in gang crimes?**

16 A Yeah. Outside units.

17 **Q Got it. So if you had handwritten notes from**  
18 **a witness interview that you took as a gang crime**  
19 **specialist, you said you might notify the detective**  
20 **division and, if need be, you might reduce those notes**  
21 **to a supplementary report; is that correct?**

22 A We would tell the detective division.

23 **Q In every case?**

24 A Well, if it's a violent crime case. I don't  
25 know what the case is you're talking -- you know, you

1 have in mind. So if it's a violent crime case, of  
2 course we're going to tell the detectives. But you have  
3 to -- that's their responsibility for the case, not  
4 ours. So we're just there to assist them.

5 Q And when you say "tell the detectives," do you  
6 mean that you would tell the detectives everything that  
7 had happened with the witness?

8 A As far as the interview?

9 Q Yeah.

10 A Yes.

11 Q And in some circumstances, you might also make  
12 a supplementary report based on your handwritten notes,  
13 right?

14 A If need be, yes.

15 Q How did you decide whether to make a  
16 supplementary report or not?

17 A Depends on the information you have.

18 Q Okay. Can you explain a little more what you  
19 mean by that?

20 A No. I mean, I don't know what you're looking  
21 for, but if they had the responsibility of clearing the  
22 case, detective division, then we're just there to  
23 assist them with information if it's a gang-related  
24 case.

25 Q I'll try to ask the question in a more

1 specific way and maybe it'll be clearer. If you had,  
2 let's say, made handwritten notes of a witness interview  
3 during an investigation of a violent crime as a gang  
4 crimes specialist, you had to make a decision about  
5 whether or not to document that information in a  
6 supplementary report and I'm wondering if you could tell  
7 me what are the factors that you would consider in  
8 deciding whether to prepare a supplementary report?

9 A It would depend on the witness. What the  
10 witnesses is telling you. If we take a witness, just  
11 for an example, I don't know what you're going at, but  
12 we take a witness and they're in our office, our gang  
13 office, and we start showing them photos, if there's an  
14 ID, or there is no ID, we're going to mark down what we  
15 did as far as what books we showed.

16 Q And when you say "mark down what we did," do  
17 you mean putting it in a sup report?

18 A Yeah. What book, what photo, if there was an  
19 ID. And then you notify detective division. But as far  
20 as --

21 Q And --

22 A -- never mind.

23 Q I'm sorry. I didn't mean to interrupt you.

24 A No, that's all right. I don't want to start  
25 babbling here.

1 Q Fair enough. And just to be clear, you would  
2 put it in a sup if there was an ID or if there was no  
3 ID, correct?

4 A Yes.

5 Q Besides documenting positive identifications  
6 from a photo book, are there other circumstances as a  
7 gang crimes specialist that you would prepare  
8 supplementary reports?

9 A Sure.

10 Q Can you give me some examples?

11 A Robberies, auto thefts, sexual assaults,  
12 narcotics.

13 Q After you prepared a supplementary report --  
14 well, let me back up.

15 A Hold on. Okay. We're good.

16 Q Is it fair to say that you would -- when you  
17 had to prepare a supplementary report, you would rely on  
18 the handwritten notes that you had made to, sort of,  
19 reduce that information into the typed report?

20 A Yes.

21 Q Okay. And after you did that, what would you  
22 do with the handwritten notes?

23 A Run.

24 Q Sorry, could you say that again?

25 A Run the report, destroy the notes.

1 Q Okay. As a gang crime specialist, did any  
2 supervisor ever tell you that you were required to hold  
3 onto those notes?

4 A I don't think so.

5 Q Okay. When you prepared a sup report  
6 documenting some investigative step, what would you do  
7 with that completed report?

8 A Hand it in to a supervisor.

9 Q Okay. Was it your responsibility to make sure  
10 that copies of any report you wrote made it to  
11 detectives?

12 A No, it was not. But I would make a copy of it  
13 and either drop off a copy or put it in the mail.

14 Q As a gang crime specialist, did you ever  
15 maintain written lists of known gang members?

16 A You mean, as far as what I was responsible for  
17 or just in general?

18 Q Did you ever maintain -- so one of your  
19 responsibilities, I think you said, was to know who was  
20 in the gangs that you specialized in.

21 A Yes.

22 Q And so to that end, did you ever maintain  
23 written lists of the names of the people in each of the  
24 gangs?

25 A Yes, I believe so.

1 Q Do you know if that list also had nicknames of  
2 those people?

3 A It probably did.

4 Q Do you know where you kept that list?

5 A Where I kept that, oh, probably in my locker.

6 Q Okay. Was that your locker at the gang crimes  
7 office?

8 A Yes.

9 Q Did you ever keep any other work-related  
10 documents in your locker at gang crimes?

11 A I can't remember.

12 Q As a gang crime specialist, did you work with  
13 confidential informants?

14 A I don't know if they would call them  
15 confidential informants in the formal way. It depends  
16 on what you mean.

17 Q I imagine that as a gang crime specialist, you  
18 probably had to be gathering a lot of information from  
19 people on the street about gang activities; is that  
20 fair?

21 A That's fair. Yeah. You could say it in that  
22 way, yes.

23 Q Okay. And later on, as a detective, there's a  
24 sort of a formal term called confidential informant,  
25 right?

MR. ENGQUIST: Objection. Foundation. And I think you're mischaracterizing the evidence but go ahead.

A I don't know of any. There's no formal system for confidential informants. I mean, there are people that you use, you call confidential informants, but people on the street give you information. But as far as anything structured, no.

BY MR HAZINSKI:

Q Okay. Did you ever obtain information -- when you were working as a gang crime specialist, did you ever obtain information that was relevant to your investigation from a witness or somebody on the street and -- but kept their eye identity confidential from the other officers working on the case?

MR. ENGQUIST: Objection to form. Go ahead.

A I don't understand what you mean really.

Q Okay. I'm not trying to be tricky. I think I'm just doing a poor job explaining. So for example, was there ever a situation where you got some piece of information from somebody and you shared that information with your other officers, but you said, for instance, this is from someone -- this is a confidential who gave this to me.

A I would share information with other officers

1 on the case. I mean, everybody's got to know what's  
2 going on here. It would be a little dangerous  
3 withholding stuff from somebody that's working on the  
4 case.

5 **Q And why is that?**

6 A Well, things can happen, you know. I don't  
7 know. You just want to let them know. I mean, if  
8 you're working on a case, you can't have secrets on it  
9 between other officers.

10 **Q As a gang crime specialist, did you work with**  
11 **particular detective areas more than others?**

12 A Yes.

13 **Q And which ones did you mainly work with?**

14 A Area 5.

15 **Q Okay. Were there particular detectives within**  
16 **Area 5 that you worked with most frequently as a gang**  
17 **crime specialist?**

18 A Sometimes it turned out that way.

19 **Q Do you recall who those detectives were?**

20 A We pretty much worked with everybody, but it  
21 was Ernie Halvorsen, Jack Leonard, Gillie McLaughlin. We  
22 worked with Santa Padre, Mohan. It was around a lot of  
23 detectives, but mainly ones that were assigned to do  
24 gang cases, I guess, back then. I don't know how they  
25 were doing it when we were gang specialists, but those



1 are kind of the people we went to.

2 Q Okay. As a gang crime specialist -- so let  
3 me actually do this a little out of order. So after  
4 gang crimes, you were promoted to detective, right?

5 A Pardon? What was that?

6 Q After you worked in gang crimes, you were  
7 promoted to detective?

8 A Yes.

9 Q And I believe you said that was 1990, you got  
10 that promotion, right?

11 A Correct.

12 Q And how long were you a detective?

13 A Six years.

14 Q So '96?

15 A Correct.

16 Q Who were your partners when you were a  
17 detective?

18 A All of them?

19 Q Yeah.

20 A It's quite a list. Well, Guevera, Ray  
21 Guevera, Ernie Halvorsen. I worked with Jack Leonard.  
22 Is this as a gang specialist or when I made detective?  
23 I'm sorry.

24 Q When you made detective, that six-year period.

25 A Oh, okay. Yeah, you work with a lot of

1 different detectives. Let's see. Who else? What did I  
2 say? Jack Leonard, Ernie. There were quite a few. I  
3 mean, there was some on midnights when you had to do  
4 your midnight turn. I don't remember their names. Tony  
5 Riccio. That's all I can remember right now.

6 Q Okay. When you were promoted from gang crime  
7 specialists to detective, did you have to go through any  
8 additional training?

9 A Yes.

10 Q And what did that involve?

11 A I don't remember.

12 Q Do you recall whether it was classroom  
13 training?

14 A Yes, it was.

15 Q Okay. Do you remember about how long that  
16 training lasted?

17 A No, I don't remember.

18 Q Okay. Do you remember who provided the  
19 training?

20 A Who provided the training? No. No, it was  
21 from the academy.

22 Q Okay. When you transitioned from being a gang  
23 crime specialist to a detective, did your practices  
24 around notetaking during criminal investigations change?

25 A Yes.

1 Q Okay. How so?

2 A Detective division is required to use GPRs,  
3 general progress reports, they're called, for their  
4 notetaking.

5 Q When you were a detective, did you have an  
6 understanding of why the detectives were required to use  
7 GPRs?

8 A Understanding? No, I think it was just a  
9 formal way of keeping things in order.

10 Q So when you became a detective, from that  
11 point on did you always make handwritten notes on GPRs?

12 A For the most part, yes.

13 Q But not always?

14 A I would say 95% of the time.

15 Q So in that other 5% of cases, what were the  
16 circumstances where you wouldn't use a GPR?

17 A I don't know what circumstances. Sometimes  
18 you would just write it on a piece of paper and then  
19 include it in the file.

20 Q As a detective at Area 5, did you conduct  
21 lineup and photo array, eyewitness identification  
22 procedures?

23 MR. ENGQUIST: Sorry. Did you say as a  
24 detective?

25 MR. HAZINSKI: Yeah.

MR. ENGQUIST: Okay.

A Yes.

BY MR. HAZINSKI:

Q Was that a routine part of your work as a detective?

A Yes.

Q As an Area 5 detective, did you ever suggest to a witness who they should pick from a photo array or from a live lineup?

A Never.

Q Okay. Would that have been improper?

A Yes.

Q Why?

A You're telling a witness who to pick.

Q Did you ever see any other detectives tell a witness who to pick?

A No.

Q As an Area 5 detective, did you ever write a false report about what happened during an eyewitness identification procedure?

A No.

Q Earlier, we were talking about confidential informants. And correct me if I'm wrong, but it sounds like there was no formal designation of categorizing someone as a confidential informant within Area 5; is

1 that right?

2 A I don't understand what you're asking. Are  
3 you asking -- go ahead. I don't know what you're  
4 asking.

5 Q Do you have an understanding of what the term  
6 confidential informant refers to?

7 A Yes.

8 Q Okay. And what does that refer to?

9 A It refers to someone that's given you  
10 information in confidence.

11 Q As an Area 5 detective, were there policies or  
12 training that you received on working with confidential  
13 informants?

14 MR. ENGQUIST: Objection to foundation, form,  
15 compound.

16 A I don't remember anything formal.

17 Q Did you ever receive any informal training on  
18 working with confidential informants?

19 MR. ENGQUIST: Objection to form. Informal.

20 A No.

21 Q Is it fair to say that if you got information  
22 from a confidential informant, and now we're talking  
23 about your work as a detective, that you would not put  
24 that informant's name in a typed report documenting the  
25 information?

A Correct.

Q And that was in order to keep their identity a secret, right?

A Yes.

Q So separate from the report, did you ever make records of, or notes of, who the confidential informant was or write it down in any way?

A I usually knew them, so, no.

Q Okay. So it was sort of on you to remember who the informant was that provided that piece of information, right?

A I'm trying to think of an instant, but it might have been. You know, I'm not sure, but I wouldn't make it known to anyone.

Q Would you keep the identity of a confidential informant confidential from the other officers you were working with on an investigation?

A It depends who the officers were if they didn't need to know. My partner, maybe on that day, I would tell. I talked to so-and-so and this is whatever happened. Other than that, I don't think I ever went beyond that.

Q During your time as a detective, did an assistant state's attorney ever ask you to reveal the identity of a confidential informant?

1 A Not that I remember.

2 Q When you investigated cases as an Area 5  
3 detective, did you ever obtain information or statements  
4 from jailhouse informants?

5 A No. Let me ask you something. Are you asking  
6 within the jail, or people that came out of the jail, or  
7 how do you mean that?

8 Q Yeah, let me make it a little more specific.  
9 Let's back up. So did you ever, when investigating a  
10 case as an Area 5 detective, get information from  
11 someone in exchange for leniency with respect to pending  
12 criminal charges against that person?

13 A No.

14 Q When you were an Area 5 detective, were you  
15 aware that sometimes individuals would receive leniency  
16 in exchange for providing information?

17 A No.

18 Q Was there a policy that prohibited Area 5  
19 detectives from doing that?

20 A I think it was a department policy. You  
21 couldn't make promises to anyone.

22 Q So in other words, if a detective offered  
23 someone something, someone who was locked up, they made  
24 them an offer in exchange for providing information,  
25 that would go against the rules of the department?

1 A Yes.

2 MR. ENGQUIST: Objection to foundation to that  
3 question.

4 Q Who was responsible for -- what was the rank  
5 of the person responsible for assigning detectives to  
6 homicide investigations while you were a detective?

7 MR. ENGQUIST: Objection. Calls for  
8 Speculation. Foundation. (Inaudible). Go ahead.

9 COURT REPORTER: I'm sorry. I didn't hear the  
10 objection.

11 MR. ENGQUIST: Objection, foundation. Also  
12 calls for speculation. It's also an incomplete  
13 hypothetical.

14 A To answer your question, the on-duty sergeant  
15 for the violent crimes unit, one of the sergeants, would  
16 assign you to the case.

17 BY MR. HAZINSKI:

18 Q Okay. Did you ever, as a detective, did you  
19 ever help out on cases that you weren't officially  
20 assigned to?

21 A Yes.

22 Q Okay. And how would it come to be that you  
23 would work on a case that you weren't assigned to?

24 A Maybe they were just asking for an assistance.

25 Q When you say "they" were asking, who was



1 asking?

2 A I mean -- the other detectives would ask to go  
3 arrest somebody or whatever, you would go with them,  
4 provide assistance, backup.

5 Q Okay. The notes and reports that you created  
6 during investigations when you were an Area 5  
7 detectives, were those -- did you store all of those in  
8 a single file?

9 A Yes.

10 Q Was there a name for that file?

11 A Investigative file.

12 Q Did that file go by any other names that  
13 you're aware of?

14 A Probably had nicknames for them. We had a  
15 nickname. I think officially, it was called the  
16 investigative file. We might call it street file,  
17 whatever. Mostly, it was investigative file.

18 Q Okay. You said that as a detective, about 95%  
19 of the time approximately, you would make handwritten  
20 notes on GPRs, correct?

21 A Correct.

22 Q Okay. After you wrote out a GPR, what would  
23 you do with it?

24 A It would be included in the investigative  
25 file.

1           Q     Okay. For you as the detective who wrote the  
2 GPR, were you responsible putting it in the  
3 investigative file?

4           A     I don't know about responsibility, but I did  
5 it.

6           Q     What do you mean by that?

7           A     Well, I mean, nobody else had the  
8 responsibility to do something like that. I mean, it  
9 wasn't like we talked about gang pictures and things  
10 like that, that the front office, while we were gang  
11 specialists, they would take care of it, the  
12 administrative staff. Here, there was no staff, it was  
13 just, you did it, you punched holes in it, then you put  
14 it in the file, and you marked it in the front of the  
15 contents.

16          Q     Got it. So there was no, you know, system for  
17 staff to --

18          A     No, you just included it in the file. So  
19 whoever or picked up that file would read that and then  
20 it would be up to date.

21          Q     Okay. Did you have to submit GPRs for  
22 supervisor approval?

23          A     I don't think so. I mean, they would look at  
24 it, I guess. I'm not sure how that worked. I don't  
25 remember.

1 Q Did you have to submit typed reports for  
2 supervisor approval?

3 A Yes.

4 Q Okay. So I'm curious, once you hand in a  
5 typed report to a supervisor to approve it, did you get  
6 to see that report again?

7 A Only a copy of it in the file. The original  
8 report that you typed out, went on. It just, wherever  
9 it went.

10 Q Okay. So earlier, when we were talking about  
11 GPRs, I believe you said you were the one who would put  
12 your own GPRs in the file. Is that true for sup reports  
13 that you made as well, that you were the one who put  
14 them in the file?

15 A Yes.

16 Q Okay. So I just want to understand the kind  
17 of steps of the process. So would you give the  
18 original, for example, to the supervisor to review and  
19 then make a copy to put in the file?

20 A Yes.

21 Q Okay. So there would be a copy that didn't  
22 have a supervisor's signature on it, and then the  
23 supervisor would have the original to sign off on; is  
24 that fair?

25 A It could be, yes.

1 Q Okay. And was the supervisor who reviewed the  
2 files a sergeant in Area 5?

3 A Say that again.

4 Q was the supervisor who signed off on typed  
5 reports a sergeant within Area 5?

6 A Yeah, it might. Yeah, usually, it was.

7 Q Okay. Was it ever somebody else?

8 A It could be.

9 Q Who else could it be?

10 A It could be your lieutenant.

11 Q Okay. So I was just asking you about  
12 investigative files when you were a detective. I want  
13 to kind of go back to the period when you worked in gang  
14 crimes. Was there any file that was similar to or  
15 operated like the investigative file for gang crimes off  
16 officers to use?

17 A No, I don't know of any.

18 Q Okay. So from what you remember, is it fair  
19 to say there was no separate file with reports or notes  
20 maintained by gang crimes officers that was from an  
21 investigative file maintained by the detectives?

22 A No.

23 Q Why did you stop working as a detective?

24 A I got promoted to sergeant.

25 Q Okay. And that was in '96?

1 A Correct.

2 Q And you left Area 5 at that point?

3 A Yes, I did.

4 Q And where'd you go?

5 A Back to the patrol division, 22nd District.

6 Q Was there an option for you at that point to  
7 continue as a sergeant at Area 5?

8 A No.

9 Q Did you apply to become a sergeant?

10 A Yes, I did.

11 Q Okay. And at that point, did you want to stop  
12 working as a detective?

13 A I didn't want to; I just took the promotion  
14 exam.

15 Q Okay. Did you choose to go back to patrol?

16 A No, you don't really have a choice.

17 Q Okay. So what years were you a sergeant in  
18 patrol?

19 A Well, '96 I got made sergeant. I went to the  
20 22nd district. I stayed there. I don't know how long,  
21 a couple years. And then I moved on to the training  
22 division.

23 Q Do you remember what year you started working  
24 at the training division?

25 A Yeah, I couldn't tell you for sure.

1 Q Okay. Was your rank still sergeant when you  
2 went to training?

3 A Yes.

4 Q Okay. So what were your responsibilities as a  
5 sergeant in the training division?

6 A I, myself, along with another sergeant were  
7 responsible, the unit was called Instructional Design  
8 and Quality Control, and there, we recently search  
9 lesson plans that were taught to recruit, and to  
10 suburban police who we also taught, and that was  
11 according to the Illinois Standards Board from the State  
12 of Illinois.

13 Q Okay. And so, just so I understand, were you  
14 responsible for developing training curricula for police  
15 officers?

16 A Yes.

17 Q Okay. Do you remember the subject of --  
18 well, actually, let me back up. Did the training  
19 materials that you worked on encompass all different  
20 kinds of policing responsibilities or were they focused  
21 on specific areas?

22 A No, it was covering a lot of areas.

23 Q Okay. Did it cover report writing, for  
24 example?

25 A Yes.

1 Q Okay. Did it cover witness interviews?

2 A Yes.

3 Q About how long were you in the training  
4 division?

5 A Maybe six years.

6 Q Do you remember what year you left training?

7 A Well, I mean, you figure '96. I don't know  
8 when I got in there. Made sergeant in '93. I don't  
9 know. I don't remember.

10 Q Where did you go after you were in the  
11 training division?

12 A I went to Internal Affairs.

13 Q Okay. What were your responsibilities in  
14 Internal Affairs?

15 A I was sergeant. I was head of a team of  
16 investigators.

17 Q And what did the team of investigators do?

18 A Investigated allegations against police  
19 officers.

20 Q As the sergeant in charge of the team of  
21 investigators, were you responsible for actually doing  
22 any investigation, or were you in a more supervisory  
23 capacity?

24 A Both.

25 Q Okay.

A Oh, what?

Q How big was that team?

A Oh, gosh. Oh, man, I don't know. Maybe six investigators? I'm not sure. Four? Or about six. I'm not sure.

Q Were you the only investigation team within Internal Affairs? Or were there other teams operating alongside you?

A There were other teams.

Q Okay. Did your team have a specific focus or did it cover allegations citywide?

A It was citywide allegations, all types.

Q Okay. So would it be fair to say that you investigated and were responsible for overseeing investigations into patrol officers and detectives and any other officer potentially?

A Yes.

Q In general, could you please describe the steps that were involved in investigating allegations of misconduct?

MR. ENGQUIST: I object. That's vague. So the form. And it also calls for speculation because there's no parameters at all. But go ahead.

A Of misconduct? It depends what it was. Things



1 were -- we were assigned by a lieutenant, I was, for the  
2 team to investigate. We'd be given assignments. Ours  
3 were not real major investigations, I mean as far as  
4 major, major, like investigating corrupt policemen  
5 taking money, things like that. That was given to --  
6 There was another unit within Internal Affairs. I think  
7 it was called the Confidential Unit or something. And  
8 they handle a lot of those cases.

9 BY MR. HAZINSKI:

10 Q As a sergeant working on these investigations,  
11 were you responsible for making findings or  
12 recommendations about -- in connection with these  
13 complaints?

14 A Yes.

15 Q Okay. So who did you issue those findings or  
16 recommendations to?

17 A My lieutenant.

18 Q Okay. Were you personally responsible for the  
19 decision about whether to impose discipline?

20 A Well, I would recommend discipline.

21 Q Okay. After you made that recommendation, was  
22 it somebody else's job to determine whether that  
23 discipline should be imposed?

24 A Yes. It was reviewed by the lieutenant.

25 Q Okay. So about how many years were you in

1 Internal Affairs?

2 A I think it came out to like three-and-a-half.

3 Q Okay. And approximately what time period, if  
4 you could estimate, were you in Internal Affairs?

5 A All right. Well, I retired in 2008 of  
6 January. So if we went back three years, do the math,  
7 that would leave you at what? 2005, you asked when I  
8 got there. So around that time.

9 Q Okay.

10 A So --

11 Q During your time at Internal Affairs, could  
12 you estimate approximately what percentage of the cases  
13 you investigated, you recommended a discipline be  
14 imposed?

15 A I couldn't tell you. I have no idea.

16 Q Would it be fair to say it was more than half  
17 the time?

18 A No idea.

19 Q Okay. Did you keep track of that information  
20 about how many instances you were recommending  
21 discipline?

22 A No.

23 Q Okay. During your time in Internal Affairs,  
24 did you ever come to the conclusion that a police  
25 officer that you were investigating had falsified a

1 police report?

2 A I can't remember if we ever did any of those  
3 cases.

4 Q Okay. Were those cases handled by the  
5 confidential unit that you mentioned?

6 A I'm not sure. Might have been someone else.

7 Q Okay. So could you give me a sense of what  
8 types of complaints you did investigate most often?

9 A Rule violations, policy violations of the  
10 department, some criminal activity, thefts. That's  
11 about it. I can't really remember anymore.

12 Q Were you yourself ever, at any point in your  
13 career at the CPD, the subject of a complaint?

14 A Yes.

15 Q Okay. Do you remember how many complaints  
16 there were?

17 A I think total -- I don't remember. I had some  
18 minor ones.

19 Q Do you recall what the allegations were for  
20 those complaints?

21 A I remember one was a city sticker. Being off  
22 my beat when I first came on the job. I can't remember  
23 any more than that.

24 MR. HAZINSKI: Okay. Could we, if it's okay  
25 with you, Mr. Gawrys, could we maybe take a five-

1 minute break and come back?

2 THE WITNESS: Sure. Yeah, that'd be good. Now  
3 is a good time. All right.

4 COURT REPORTER: Okay. We are going off  
5 record. The time is 12:13 p.m. Eastern Standard  
6 Time.

7 (OFF THE RECORD)

8 COURT REPORTER: We are back on record. The  
9 time is 12:27 p.m. Eastern Standard Time.

10 BY MR. HAZINSKI:

11 Q All right, Mr. Gawrys, I had a couple follow-  
12 up questions regarding the files, and I want to focus on  
13 the investigative files from the time that you were  
14 working as a detective at Area 5, okay?

15 A Okay.

16 Q So were those investigative files stored at  
17 Area 5?

18 MR. ENGQUIST: Foundation.

19 A Yes.

20 Q They were, sorry?

21 A Yes, they were.

22 Q Okay. And you had to access those sometimes,  
23 for instance, to put GPRs in them, right?

24 A Yes.

25 Q When you were working as a detective, was

1 there a particular room or particular office where they  
2 were kept?

3 A Yes.

4 Q And where was that?

5 A It was in an office, mainly for sergeants, and  
6 a lieutenant was in there.

7 Q Okay. So I imagine, because there were a lot  
8 of investigations going on at the same time, that there  
9 were, like, a pretty large volume of investigative files  
10 being kept in that office. Right?

11 A Correct.

12 Q Okay. Were they kept in boxes on shelves?

13 A No. They were in file cabinets.

14 Q After a case was closed, would the  
15 investigative file stay in those file cabinets?

16 MR. ENGQUIST: Object to the foundation. Go  
17 ahead.

18 A No. Part of that, well, not part, a lot of  
19 that would go, would be -- I guess it would be  
20 transferred downtown where a real permanent file was  
21 kept.

22 Q Is there a name for the permanent file?

23 A I don't know one.

24 Q Okay. And the investigative files, sometimes  
25 they would have an inventory sheet on the top that

1 listed the contents of the file; is that correct?

2 A Correct.

3 Q Okay. And your understanding from when you  
4 were a detective, what was the purpose of that inventory  
5 sheet?

6 A Just to track what was inside the file.

7 Q Okay. So when you, as a detective, put  
8 something in the file yourself, like you punched it, you  
9 put it in, were you responsible for noting that on the  
10 inventory sheet?

11 A Yes.

12 Q Okay. And did you make that note on the  
13 inventory sheet at the same time that you put the thing  
14 in the file?

15 A Yes.

16 Q Okay. Were you able to take -- during the  
17 course of an investigation, were you permitted to take  
18 the investigative file with you out of the office where  
19 it was stored?

20 A Yes, we could.

21 Q Okay. Were you able to take it out in the  
22 field with you?

23 A Sometimes we did.

24 Q Okay. Were you required to note anywhere that  
25 you had removed the file from the office?

1           A     Right. You had to -- I believe we had to let  
2 the sergeant know. I'm not sure about it, but I know  
3 somewhere it was written down or something, from what I  
4 remember.

5           Q     And at some point after a case was closed,  
6 your understanding was that it would get sent somewhere  
7 else and the information would be kept in some more  
8 permanent file. Right?

9           MR. ENGQUIST: Objection. Calls for  
10 speculation. Go ahead.

11          A     Yeah, I believe so. I think there was a copy  
12 of the file kept in the office. I'm not sure.

13          Q     After a case was closed, did you ever go back  
14 through the investigative file and take out documents  
15 that weren't necessary?

16          A     No.

17          Q     Okay. So you testified that you reviewed some  
18 documents in preparation for this deposition. Before  
19 looking at those documents, did you have any  
20 recollection of the Roman homicide investigation?

21          A     No.

22          Q     So I'm going to ask you now about what you can  
23 independently remember, and I want to define that so  
24 that it's clear. When I ask you about an independent  
25 recollection, what I mean to ask is what you remember

1 separate or apart from what's actually written on the  
2 paper. It's something you have an independent memory  
3 of, separate from anything you reviewed in preparation  
4 for the deposition. Does that make sense?

5 A Sort of. You asked me if I had any  
6 recollection before I looked at the reports. Is that  
7 your question?

8 Q I did ask that question.

9 A Yeah. No, I didn't remember the case at all.  
10 None of it.

11 Q Okay. But now, having looked at some reports,  
12 you know some things about the case that you just  
13 gleaned from looking at the paper. Right?

14 A Right.

15 Q Okay. Did the process of looking at those  
16 police reports and other documents, did that bring back  
17 any independent memories of the investigation beyond  
18 what you just saw written down?

19 A No. The only thing is the victim's name. I  
20 kind of remembered.

21 Q Okay. For example, reviewing the reports  
22 didn't jog any independent memories of any work you  
23 performed on the case?

24 A No.

25 Q And it didn't jog your memory about any



1 communications you had with other officers during the  
2 investigation?

3 A No.

4 Q About how long in total did you spend  
5 reviewing documents before your deposition?

6 A Maybe an hour, hour-and-a-half? Maybe not  
7 even. Somewhere in there.

8 Q Okay. So we're going to talk a little bit  
9 about this Roman homicide investigation. Would it be  
10 fair to say that the only details of that investigation  
11 that you can testify to are details that you've saw in  
12 your recent review of the reports?

13 A Yes.

14 Q Okay.

15 A Just what I read in there.

16 Q Okay. I want to ask you now about your  
17 knowledge of some of the people involved in this case,  
18 the first being Rey Guevara. So you were partnered with  
19 Rey Guevara as a gang crime specialist, right?

20 A Correct.

21 Q Okay. But at some point, he was promoted to  
22 Area 5 detectives, right?

23 A Promoted to detective.

24 Q Right.

25 A And assigned to Area 5.

1 Q Thank you for that clarification. Were you  
2 and he promoted and assigned to Area 5 at the same time?

3 A Yes.

4 Q Okay. At the time that you were both promoted  
5 to detective and assigned to Area 5, were you partners  
6 in gang crimes?

7 A Yes.

8 Q And when you were promoted to detective and  
9 assigned to Area 5, did you partner up as detectives?

10 A Sometimes.

11 Q Sorry, could you repeat that?

12 A Sometimes, sometimes.

13 Q Sometimes. Okay. Did you work the same shift  
14 as Detective Guevara at Area 5?

15 A Sometimes.

16 Q Okay. Did your shifts change over the years?

17 A Yes.

18 Q Okay. Do you recall what shift you worked in  
19 1993?

20 A No.

21 Q Okay. When was the last time you spoke with  
22 Rey Guevara?

23 A Someone else asked me that. That was before  
24 May of this year.

25 Q And did you speak with him in person or over

1 the phone?

2 A Over the phone. He doesn't live here anymore.  
3 So I think I said before that I was going down to Texas  
4 to see my sister, and he's kind of close to the area I  
5 was going, maybe two, three hours away. And I wanted to  
6 see if I had time to maybe just stop in and visit him,  
7 which I never did.

8 Q Okay. Is Rey Guevara still a friend of yours?

9  
10  
11 A I consider him a friend. Yes.

12 Q About how often do you talk with him?

13 A Not often. Maybe holidays.

14 Q When was the last time you saw him in person?

15 A That would be the Rivera case.

16 Q Okay. And it was when that Rivera case went  
17 to trial?

18 A Yes.

19 Q Okay. Were you friends with Rey Guevara  
20 outside of work when the two of you were working  
21 together in gang crimes?

22 A We didn't associate a lot together.

23 Q Okay. What about when you were detectives?  
24 Were you friends outside of work?

25 A No, we didn't socialize much there either.

1 Q Okay. When would you say that you became  
2 friends with Rey Guevara?

3 A I have no idea.

4 Q Would you say it was after you left Area 5?

5 A No, it was probably in gangs.

6 Q Okay. Is it a fair summary to say you were  
7 friends with him at work, but didn't socialize with him  
8 much outside of work in gang crimes?

9 A Yes.

10 Q Okay. When you last talked with Rey Guevara  
11 in May, did your conversation touch on any of the  
12 ongoing lawsuits against him?

13 A No.

14 Q Okay. Have you ever talked to Rey Guevara  
15 about the fact that he's invoked the Fifth Amendment  
16 right to remain silent in response to questioning about  
17 his work as a police officer?

18 A I don't remember it if we did.

19 Q Did you ever have a conversation with him  
20 where it was the two of you talking and you said, for  
21 instance, "Hey, Rey, why are you doing that?"

22 MR. ENGQUIST: Objection. Asked and answered.  
23 He already answered the question. You can answer  
24 it one more time. Go ahead.

25 A Not sure. But I think, "Why are you doing

1 it?" "Man, it was just on the advice of his attorneys."

2 And we left it at that.

3 BY MR. HAZINSKI:

4 Q Were you present during his testimony? Were  
5 you present in the courtroom during his testimony at the  
6 Rivera trial?

7 A Yes.

8 Q Okay. You knew Ernie Halvorsen from your work  
9 at Area 5, right?

10 A Yes.

11 Q Okay. Was Ernie Halvorsen a friend of yours?

12 A Not a friend. We were acquaintances, work  
13 acquaintances.

14 Q Did you ever socialize with Ernie Halvorsen  
15 outside of work?

16 A Not that I remember.

17 Q From your own observations, do you know if  
18 Guevara and Halvorsen ever socialized outside of work?

19 A I don't know.

20 Q When was the last time you talked to Ernie  
21 Halvorsen?

22 A Probably couldn't tell you. I have no idea.

23 Q Okay. Did you stay in touch with him after  
24 you left Area 5?

25 A No.

1 Q Okay. For a period of time you were partnered  
2 with Tony Riccio; is that right?

3 A Yes.

4 Q Okay. For the record, that's R-I-C-C-I-O. Did  
5 you consider Tony Riccio a friend outside of work?

6 A No, we didn't socialize together.

7 Q Okay. When was the last time you talked to  
8 Tony Riccio?

9 A Couldn't tell you. A long time ago.

10 Q Did you keep in touch with Mr. Riccio after  
11 you left Area 5?

12 A No.

13 Q Okay. Did you know Robert Biebel?

14 A Yes.

15 Q Okay. And what was his position at Area 5?

16 A He was the sergeant.

17 Q Was Biebel one of the people who would  
18 sometimes be responsible for approving your reports?

19 A I'm not sure. Could have been.

20 Q Were you friends with Robert Biebel while you  
21 worked at Area 5?

22 A Yes, we were friendly together.

23 Q Did you socialize with him outside of the  
24 office?

25 A No. The only time we ever met as a group of

1 guys, it was like Christmastime. That was many years  
2 ago. We would see each other and it was just a get-  
3 together, but that stopped. So --

4 Q Okay. And that was after you left Area 5,  
5 right?

6 A Yes.

7 Q Okay. Can you estimate approximately what  
8 year was the last time you had one of those get-  
9 togethers?

10 A No idea. It was a long time ago. When these  
11 cases started, it was just we didn't get together  
12 anymore.

13 Q After there were more lawsuits?

14 A Yes.

15 Q Okay. Do you recall the last time you talked  
16 to Mr. Biebel?

17 A I saw him at the attorneys' offices walking  
18 out the door, or he was sitting in there. I'm not sure.

19 Q Did you have a conversation with him at that  
20 point?

21 A Well, talk, "Hi, how are you? Haven't seen  
22 you in a while." That's about it.

23 Q Did you talk to him at all about any of the  
24 lawsuits that either of you was involved in?

25 A No.

1 Q Do you recall ever having any conversations  
2 with a man named Geraldo Iglesias?

3 A No.

4 Q Okay. Do you recall ever having any  
5 conversations with somebody who went by the nickname  
6 Snake?

7 A No.

8 Q Okay. Now, you as a gang crime specialist,  
9 did you have any specialized knowledge of or familiarity  
10 with a gang called the Imperial Gangsters?

11 A Yeah, I know who they were.

12 Q Okay. Do you know what territory they  
13 occupied?

14 A I can't remember right now.

15 Q But the IGs, the Imperial Gangsters, were not  
16 one of the gangs that you were responsible for, right?

17 A What's that again? Say that over?

18 Q I'll rephrase the question. You weren't a  
19 specialist in the Imperial Gangsters, right?

20 A No.

21 Q Okay. During the time that you were at gang  
22 crimes, do you recall which gang crime specialists did  
23 specialize in the Imperial Gangsters?

24 A No, I do not.

25 Q Okay. Do you know an individual by the name



1 of Rosendo Ochoa?

2 A No.

3 Q Do you know a person that goes by either  
4 Rosendo Ochoa or any of the following aliases:  
5 Geraldo Negaera (phonetic), Victor Lopez, or Ricardo  
6 Mahia?

7 A No.

8 Q Just for the record, going forward, if I say  
9 Rosendo Ochoa, I'm going to be referring to those alias  
10 as well: Negaera or Lopez or Mahia, okay?

11 A Okay.

12 Q Do you know an individual named Hugo  
13 Rodriguez?

14 A No.

15 Q Okay.

16 A I mean, it's a name, but there's a lot of  
17 them.

18 MR. HAZINSKI: Yeah. So I want to show you a  
19 document now, and just -- Counsel, so this will be  
20 the report produced at RFC 10 through 13. And  
21 Mr. Gawrys, what I'm going to do is --

22 MR. ENGQUIST: Just give me one second. Let  
23 me just -- I'm going to have a hard copy of it, so  
24 I don't have to look over his shoulder. Go ahead.

25 MR. HAZINSKI: All right. So what I'm going

1 to do is show my screen with you so that we can be  
2 looking at it together. So --

3 MR. ENGQUIST: Is this going to be Exhibit 1?

4 MR. HAZINSKI: Yeah.

5 MR. ENGQUIST: Exhibit 1 is RFC 10 through 13?

6 MR. HAZINSKI: Yep.

7 MR. ENGQUIST: Okay.

8 BY MR. HAZINSKI:

9 Q So Mr. Gawrys, are you able to see the  
10 document that I just shared with you here?

11 (EXHIBIT 1 MARKED FOR IDENTIFICATION)

12 A Yes, I do.

13 Q Okay. And if you need me to scroll or zoom to  
14 see any part of it, please just let me know, okay?

15 A Okay.

16 Q So Mr. Gawrys, is this one of the documents  
17 that you reviewed in preparation for your deposition  
18 today?

19 A Yes, it is.

20 Q Do you recognize what kind of report this is?

21 A It's a supplementary report.

22 Q Okay. Is this type of supplementary report,  
23 would it be accurate to call it a cleared closed report?

24 A I don't think so.

25 Q Okay. In general, do you know what a cleared

1 closed report is?

2 A Yes. It's arrests were made and there is no  
3 other subjects wanted in the case.

4 Q Okay. So I'm going to zoom in now to a part  
5 on the first page here. And do you see on the left that  
6 the box next to "cleared closed" has an X in it?

7 A Yes.

8 Q Does that indicate to you that this is a  
9 cleared closed report?

10 A Yes, I would take it that way.

11 Q Fair enough. So what is the purpose of a  
12 cleared closed report in a homicide investigation?

13 A It's just what I said, that the case is now  
14 closed because all the subjects are either in custody or  
15 been in accounted for to finish the investigation.

16 Q What type of information would normally be  
17 documented in a cleared closed report in terms of the  
18 course of the investigation?

19 A I don't understand what you're trying to ask.  
20 I mean, a lot of information's in there, so I -- it's  
21 different kinds of information. Can you be more  
22 specific?

23 Q Is one purpose of a cleared closed report to  
24 summarize the course of the criminal investigation?

25 A Yes.

1 Q Okay. Is it also -- is another purpose of a  
2 cleared closed report to identify the evidence  
3 implicating the arrestee?

4 A Yes.

5 Q Now, your name appears on this report,  
6 correct?

7 A Correct.

8 Q Okay. And it's at the bottom, and there's a  
9 number written next to your name, which is 20689. Was  
10 that your star number?

11 A Correct.

12 Q Okay. And your name appears next to detective

13 A. Riccio. Do you see that?

14 A Yes.

15 Q At this period of time in 1993, was Mr. Riccio  
16 your partner?

17 A On that day, probably.

18 Q Does the fact that your name appears in the  
19 bottom of this report mean that you were involved in the  
20 preparation of this report in some way?

21 A Yes.

22 Q Okay. Now I want to go to the next page,  
23 which is RFC 11, and it says arresting detective, and  
24 then it lists the names Halvorsen, Guevara, Riccio, and  
25 Gawrys, correct?

1 A Right.

2 Q So does that mean that you were one of the  
3 detectives responsible for arresting the defendant?

4 A Yes.

5 Q Okay. Now I want to ask you about the  
6 investigation section on this page. We're still looking  
7 at RFC 11. Do you see the first sentence of the  
8 investigation section where it says, "On 21-June-93, the  
9 reporting detectives were contacted by a confidential  
10 informant?" And then it goes on to note information  
11 that the informant provided. Do you see that part of  
12 the report?

13 A Yes, in the first paragraph.

14 Q Yes. So you reviewed this report in  
15 preparation for your deposition. Do you remember  
16 whether you were the one who typed this up?

17 A No, I did not type this.

18 Q Okay. Do you remember being contacted by a  
19 confidential informant at any point during the Roman  
20 homicide investigation?

21 A It had nothing to do with this case.

22 Q Okay.

23 A Other than assist the arrest.

24 Q So sometimes -- I want to ask a hypothetical  
25 question now, sir, stepping away from the details of

1 this investigation. So sometimes as a detective, you  
2 would take over or pick up working on a case that some  
3 other detectives had previously been investigating,  
4 right?

5 A Right.

6 Q Okay. Now let's say that you did that and you  
7 were -- and as part of taking over the case, would it be  
8 your usual practice to review the police reports that  
9 had been prepared up to that point?

10 A Yes.

11 Q Okay. Suppose that you did that and you were  
12 taking over a case and reviewing the reports, and the  
13 reports referred to a confidential informant, and you  
14 wanted to find out who that individual was. Was there  
15 any way for you to get that information?

16 A Only by talking to the detectives that wrote  
17 the report about that confidential informant.

18 Q Other than talking to those detectives, was  
19 there any other way to get that information?

20 A I don't know of any. I can't think of any.

21 Q Okay. So now I want to scroll down to RFC 13,  
22 and this is the final page of this report. And the  
23 names at the bottom, it just says Detective E.  
24 Halvorsen, Detective R. Guevara. Do you see that?

25 A Yes.

1 Q Okay. Do you know why your name and detective  
2 Riccio's name aren't listed at the end of this report,  
3 even though they appear on the first page?

4 A No, I don't know. I had nothing else to do  
5 with the case.

6 Q Okay. So you testified that you believe that  
7 you were involved in making the arrest of Geraldo  
8 Iglesias and that was it, right?

9 A Yes. I assisted in the arrest, from what I'm  
10 reading.

11 Q Okay. So how do you know that that was the  
12 extent of your involvement in this case?

13 A Because my name doesn't appear anywhere else  
14 as doing anything.

15 Q Okay. Is it fair to say that you believe that  
16 if you had had any other involvement in the  
17 investigation, that your involvement would be documented  
18 in some of the other reports in the investigative file?

19 A Yes.

20 Q For instance, if you had interviewed  
21 witnesses, that information would be documented?

22 A Yes.

23 Q If you had conducted a photo array, or a live  
24 lineup procedure, there would be documentation of that  
25 as well?

A Yes.

Q Do you know whether you communicated with either Guevara, Halvorsen, or Riccio about the Roman homicide investigation while it was ongoing?

A No.

Q All right. I'm going to show you another report now. And so this will be Exhibit 2, and it's RFC 14 for the record. Are you able to see this report?

(EXHIBIT 2 MARKED FOR IDENTIFICATION)

A Okay. I see it.

Q And is this one of the reports you reviewed in preparation for your deposition today?

A Yes, I looked at it.

Q Okay. And this is an arrest report documenting the arrest of Geraldo Iglesias on June 23, 1993, correct?

A Yes.

Q Okay. So the report is authored by Halvorsen and Guevara. And it lists as arresting detectives T. Riccio and S. Gawrys, right?

A Right.

Q Okay. Do you recall how you came to be involved in Geraldo Iglesias' arrest?

A I don't remember specifically.

Q Do you have any memory of arresting Geraldo



1 Iglesias?

2 A No.

3 Q Do you have any memory of anybody asking you  
4 to assist with this part of the case?

5 A No.

6 Q Do you have any memory of what anyone told you  
7 about why Iglesias was being arrested?

8 A No.

9 Q Do you have any memory of reviewing any  
10 reports or other police documents after being asked to  
11 assist with this arrest?

12 A No.

13 Q So earlier, you said that one way that a  
14 person could be pulled into a case that they weren't  
15 formally assigned to is because another detective might  
16 ask them for help executing an arrest; is that right?

17 A Correct.

18 Q Okay. Is it your belief that that's what  
19 happened in this case?

20 A I would say so, yes.

21 Q Okay. Now, in the cases -- Just as a matter  
22 of your normal practice and procedure, when you were  
23 asked to assist other detectives in making an arrest,  
24 would it have been typical for you to review the reports  
25 and other police documents in the investigative file at

1 that point?

2 A Before you assisted them in the arrest?

3 Q Yes.

4 A No.

5 Q Okay.

6 A I wouldn't.

7 Q So if you were assisting other detectives in  
8 making an arrest, was it your responsibility to make an  
9 independent determination about whether the evidence  
10 supported the arrest?

11 A No.

12 Q In other words, were you just assisting the  
13 other detectives and trusting their investigative work?

14 A Yes.

15 Q Do you have any reason to dispute that any of  
16 the information documented in this arrest report is  
17 accurate?

18 A Say that again, what was that? You broke up a  
19 little.

20 Q Sure. Do you have any reason to believe that  
21 any of the information documented in this arrest report  
22 is inaccurate?

23 A No.

24 Q I want to ask you, show you now another  
25 document. Let me see if I can find the right one. So

1 this is -- we'll make this Exhibit 3, and this is a  
2 police report that's been date stamped as RFC Iglesias,  
3 48 through 55. Mr. Gawrys, are you able to see the  
4 first page of this report on your screen?

5 (EXHIBIT 3 MARKED FOR IDENTIFICATION)

6 A Can you make it --

7 MR. ENGQUIST: One second. You got -- you got  
8 to give me time to go flipping through, what is it  
9 again?

10 MR. HAZINSKI: It's 48 through 55.

11 THE WITNESS: Could you make it a little  
12 bigger?

13 MR. HAZINSKI: Yeah. And Josh, I'll give you  
14 as much time as you need to get there.

15 MR. ENGQUIST: Yeah, I'm there now.

16 THE WITNESS: That's good. Okay.

17 MR. ENGQUIST: I'm not sure what page you're  
18 on, but I'm at the fourth page.

19 THE WITNESS: 48.

20 MR. ENGQUIST: Okay.

21 MR. HAZINSKI: Thank you.

22 THE WITNESS: Sure. Shockton (phonetic).

23 MR. ENGQUIST: Yeah, I got it.

24 THE WITNESS: Okay.

25 BY MR. HAZINSKI:

1 Q Mr. Gawrys, was this one of the reports that  
2 you reviewed in preparation for your deposition?

3 A No.

4 Q Okay.

5 A Might have gone -- passed by it. But no, I  
6 didn't actually read it.

7 Q Okay. So I want to just ask you about some  
8 things about this report. So understanding that you  
9 didn't author this, do you see near the top where it --  
10 Box number two says, "Address of original incident/  
11 offense." Do you see that box?

12 A Yes.

13 Q Okay. You see there's two words next to that  
14 with boxes corresponding that say "verified" and  
15 "corrected?"

16 A Yes.

17 Q Okay. And in this case, one of those is --  
18 says corrected, and it has an X through it. From your  
19 understanding and your familiarity with these types of  
20 supplementary reports, what do those words "verified"  
21 and "corrected" refer to?

22 A Rest of the incident.

23 Q Okay. And so, what are the circumstances  
24 where an officer would mark "verified" on a  
25 supplementary report?

1           A     I don't know. I think it's just -- I never  
2 marked those. It looks like they -- from here, you had  
3 the wrong address somewhere and they corrected it.

4           Q     Okay. I want to scroll down now and ask you  
5 about some information that's written on this report. So  
6 looking now at RFC 50, do you see that there are some  
7 handwritten notes on this page?

8           A     Yes.

9           Q     Is that your handwriting?

10          A     No.

11          Q     Do you recognize whose handwriting that is?

12          A     No, I do not.

13          Q     Okay. Continuing onto the following page, and  
14 now this is RFC 51. Is the handwritten note on this  
15 page your handwriting?

16          A     No.

17          Q     Okay. As you were looking through the  
18 investigative file in preparation for your deposition,  
19 did you see any handwritten notes that you recognized to  
20 be your handwriting?

21          A     No.

22          Q     Okay.

23          A     I wouldn't have any.

24          Q     What do you mean by that?

25          A     I wouldn't have any notes in there.

1 Q And why is that?

2 A Because I didn't work on the file, work on the  
3 case.

4 Q Okay. If you didn't work on the case apart  
5 from the arrest, why is your name written on the clear,  
6 closed report?

7 A Because it was at the end, making the arrest.  
8 I was included in that narrative.

9 Q Okay. So I've stopped sharing my screen now.  
10 So you testified earlier it's your belief that you were  
11 partnered with detective Riccio on the day of Geraldo  
12 Iglesias' arrest, correct?

13 A Correct.

14 Q Okay. Now, do you know from your review of  
15 documents, whether Detective Riccio was involved in any  
16 aspect of the Roman homicide investigation beyond the  
17 arrest?

18 A I have no idea.

19 Q If you were partnered with Detective Riccio,  
20 was it fair to say that you were working with him during  
21 your entire shift that day?

22 A It could be.

23 Q Do you remember one way or the other on --

24 A No.

25 Q -- June 23rd, 1993?

1 A No, I do not.

2 Q In your review of the investigative file, did  
3 you see any police reports or notes reflecting that  
4 Detective Riccio helped conduct eyewitness  
5 identification procedures on June 23rd, 1993?

6 A No, I do not.

7 Q Okay. If reports show that he was present  
8 during those procedures, do you have any reason to  
9 dispute the truth of that?

10 A No.

11 Q If it's true that Detective Riccio was helping  
12 to conduct eyewitness identification procedures  
13 following Geraldo Iglesias' arrest on June 23rd, 1993.  
14 As you sit here today, are you able to say that you were  
15 or were not present also during those procedures?

16 A I was not present.

17 Q How do you know?

18 A My name doesn't appear on the reports.

19 Q As you sit here today, can you say what you  
20 were doing at the time of those identification  
21 procedures?

22 A No idea. Any number of things.

23 Q Can you explain why it would be that Detective  
24 -- both you and Detective Riccio participated in Geraldo  
25 Iglesias' arrest, but then only Detective Riccio

1 remained involved in the investigation?

2 A I would be guessing, but I would say that  
3 either I left work, I was called to do another job,  
4 maybe called to assist someone else.

5 Q Is there any doubt in your mind that your  
6 entire involvement in the Roman homicide investigation  
7 was limited to executing the arrest of Geraldo Iglesias?

8 A Yes. That was it.

9 Q Okay. In other words, no doubt in your mind?

10 A No doubt.

11 Q Okay. Do you know who Francisco Vicente is?

12 A No.

13 Q Have you ever heard that name before?

14 A I think I've heard the name.

15 Q What, if anything, do you know about Francisco  
16 Vicente?

17 MR. ENGQUIST: I'm going to object and  
18 instruct him not to answer if his only information  
19 came from discussions with his attorneys. So to  
20 the extent that the information only came from your  
21 attorneys, acknowledge and answer the question. So  
22 you can answer anything beyond that, go ahead. But  
23 if not, you're not answering. Go ahead.

24 A I don't know. What was the question? Do I  
25 know that guy, or --



1 BY MR. HAZINSKI:

2 Q Yes.

3 A I'm sorry.

4 Q Apart -- So I'm not interested in information  
5 that your lawyers gave to you in any confidential  
6 communications you had with them. So setting those  
7 aside. What, if anything, do you know about Francisco  
8 Vicente?

9 A I don't remember anything, nothing.

10 Q Okay. Do you remember ever interacting with  
11 Francisco Vicente during any homicide investigation?

12 A No.

13 Q Okay. Do you have any information about how  
14 Francisco Vicente came to be involved in the Roman  
15 homicide investigation?

16 A No.

17 Q During your review of documents in preparation  
18 for this deposition, do you remember seeing any  
19 documents pertaining to Francisco Vicente?

20 A No.

21 Q Did you testify at any criminal proceedings  
22 against Geraldo Iglesias?

23 A No.

24 Q As you sit here today, do you have any  
25 personal knowledge about whether there was probable

1 cause to prosecute Geraldo Iglesias for murder?

2 A I have no idea.

3 Q Do you have an opinion, one way or the other,  
4 about whether Iglesias is guilty of the Roman homicide?

5 A No idea.

6 Q Does the fact that Reynaldo Guevara has pled  
7 the Fifth Amendment in response to questioning about his  
8 conduct during the Roman homicide investigation affect  
9 your opinion of Geraldo Iglesias' guilt or innocence?

10 A No.

11 Q Okay. Now I only have a couple more questions  
12 that I -- before I wrap up I just would like to, if you  
13 don't mind, if we could take another short break.

14 A Sure. Okay. Five, 10 minutes? What do you  
15 want?

16 MR. ENGQUIST: Let's take a good five,  
17 10 minutes. Maybe stretch your legs too.

18 MR. HAZINSKI: Yeah. That sounds great, all  
19 right.

20 COURT REPORTER: We're going off record. The  
21 time is 1:09 p.m. Eastern Standard Time.

22 (OFF THE RECORD)

23 COURT REPORTER: We are back on record. The  
24 time is 1:21 p.m. Eastern Standard Time.

25 BY MR. HAZINSKI:

1 Q All right. Mr. Gawrys, I just have a few  
2 follow up questions before we finish, before I finish my  
3 questioning. So at various times when you were an Area  
4 5 detective, you said you had a lot of different  
5 partners over the time that you were there, right?

6 A Correct.

7 Q Now, did your partners change day to day or  
8 week to week? Or did you -- were you assigned a single  
9 partner for a longer period of time?

10 MR. ENGQUIST: I'm sorry, just for  
11 clarification, you're talking about the -- or the  
12 five or so, five to six years that he was there?  
13 Or you more in the beginning, or we just talking in  
14 general? I just want to make sure.

15 BY MR. HAZINSKI:

16 Q Just in general. Over the time that you were  
17 at Area 5. Because you said you had different partners  
18 at different times, and I'm curious if you would have  
19 one partner for a period -- for a lengthy period and  
20 then another, or if it would change back and forth  
21 routinely?

22 A Well, I mean, obviously things would change.  
23 If you went to midnights, everybody had to do their time  
24 on the midnight shift. So I mean, obviously you didn't  
25 go as partners. You just -- there were permanent

1 detectives on that shift that liked working midnights.  
2 So you worked with them. On day watch, I don't know. I  
3 mean, it's -- you team up with people that were  
4 available. And that was also on a third watch, but you  
5 did work sometimes steady with people. For how long? I  
6 don't know. I have no idea. I don't remember.

7 Q Okay. On any given day shift, did you have  
8 the ability to choose who your partner was going to be  
9 or was that told to you by a supervisor?

10 A We'd kind of choose between ourselves to work.  
11 It just depended what we were doing.

12 Q Okay. Was there a period of time after which  
13 you stopped partnering up with Guevara?

14 A Yeah, I left the watch. I went either  
15 midnight -- Midnights or second watch, which is day  
16 shift.

17 Q And when was that approximately?

18 A I have no idea.

19 Q Are you able to estimate approximately how  
20 many investigations you worked on as partners with  
21 Detective Guevara, as a detective?

22 A No, I don't know.

23 Q Would it be fair to say it was more than 10?

24 A I would say so.

25 Q Okay. In your experience working as a

1 detective alongside Guevara, did you observe whether he  
2 ever took notes during homicide investigations?

3 A Yes. I believe he took notes.

4 Q Okay. And you yourself took notes during  
5 homicide investigations as a detective, right?

6 A Yes.

7 Q Okay. For example, if you -- when you were  
8 working as a violent crimes detective, if you were  
9 interviewing a witness, was it your ordinary practice to  
10 make contemporaneous handwritten notes during the  
11 witness interview?

12 MR. ENGQUIST: Objection, call for speculation  
13 and vague. Go ahead.

14 COURT REPORTER: I'm sorry, I didn't get your  
15 objection.

16 MR. ENGQUIST: Objection, calls for  
17 speculation and vague.

18 A Yes, I would make notes.

19 BY MR. HAZINSKI:

20 Q And as we discussed before, you would make  
21 those notes on general progress reports, right?

22 A Right.

23 Q Okay. From your own observations, was it also  
24 detective Guevara's practice to make handwritten notes  
25 during witness interviews during homicide

1 investigations?

2 A I have no idea a lot of times what he did, so.  
3 I wasn't working with him all the time.

4 Q Okay. On the occasions that you were working  
5 with him, did you ever observe that he was failing to  
6 take notes in a circumstance in which you would've taken  
7 notes?

8 A No.

9 Q And I guess I want to ask the same thing with  
10 respect to Tony Riccio. So when you worked alongside  
11 Detective Riccio in Area 5, did he also make handwritten  
12 notes during homicide investigations?

13 A I'm sure he did. Yes.

14 Q Okay. That was sort of the standard practice  
15 for all Area 5 detectives on your understanding, right?

16 MR. ENGQUIST: Objection, calls for  
17 speculation, vague. Go ahead. And foundation.

18 A I would say that's for all detectives.

19 Q Yeah. Earlier I asked you some questions  
20 about photo books, gang books, but I asked those  
21 questions in the context of your work as a gang crime  
22 specialist. So but now I want to talk about when you  
23 were a detective at Area 5. As an Area 5 detective, did  
24 you have access to those same gang books?

25 A For the gang unit? Is that what you were

1 asking?

2 Q Yeah.

3 A Yes.

4 Q This, the gang books we were talking about  
5 earlier?

6 A Yes.

7 Q You did? Okay. Now I believe you said that  
8 access to those books would sometimes be limited to  
9 outsiders; is that right?

10 A Yes, they would ask to use the books.

11 Q Okay. Now were there any gang books, and I  
12 apologize if there's a siren on my end of the call --

13 A It's your call.

14 Q Were there gang books that were stored at --  
15 In the same building as Area 5?

16 A Gang books? I don't know. They had some  
17 photos there, but I'm not sure what they were.

18 Q Did you personally, in the course of any  
19 investigations as an Area 5 detective, did you ever ask  
20 to use one of those gang books to show photographs?

21 A Which ones? Area 5? I don't know what Area 5  
22 had. I don't remember if they had gang books. They  
23 just had people they arrested.

24 Q All right. Any gang books. Did you -- do you  
25 remember as a detective ever using those?

1           A     I don't know where you're -- are you saying  
2     that Area 5 had gang books?

3           Q     No, I just mean in general, not even gang  
4     books specifically stored at Area 5, but gang books  
5     stored anywhere. Do you remember as a detective ever  
6     using such a gang book?

7           A     Yeah, I used gang books.

8           Q     Okay. Do you remember where you would go get  
9     them?

10          A     I went to the gang office, it'd be at Belmont  
11     and Western.

12          Q     Okay. And at that time, was that still  
13     Area 3?

14          A     Yes, I believe what the building was called,  
15     that area.

16          Q     Okay. Now were the gang books organized with  
17     members of all different gangs mixed together, or were  
18     they separated out were each book just had one gang?

19          A     They were separated.

20          Q     Okay. So for example, there might be a gang  
21     book that corresponded to the Latin Lovers that had  
22     photographs of just known Latin Lovers members in it,  
23     right?

24          A     Right.

25          Q     Okay. Do you know one way or another whether



1 -- Well, let me ask it this way. Did the department  
2 maintain gang books for all the major Chicago street  
3 gangs?

4 MR. ENGQUIST: Object to the foundation.

5 A Not that I know of.

6 Q Okay. Now you specialized in Latin Kings and  
7 the Insane Unknowns, right?

8 A Right.

9 Q Were there gang books for those two gangs?

10 A Yes.

11 Q Okay. Do you know, as you sit today, whether  
12 there was a gang book for the Imperial Gangsters?

13 A There were.

14 Q Okay. In your review of the police reports  
15 and other documents in the investigative file, as you  
16 were preparing for your deposition today, did you come  
17 to be familiar with what the evidence was implicating  
18 Geraldo Iglesias in the Roman homicide?

19 A I read that. I think it was a photo ID?  
20 Somebody gave information, and then they did a photo  
21 spread. I am not too sure. I didn't concentrate on  
22 that too much.

23 Q Okay. Fair to say that when you were  
24 reviewing the documents, you were mainly looking out to  
25 see whether you were involved?

A Correct.

Q Okay. Do you know, for any of the eye witnesses in this case, whether they had a good or bad opportunity to view the perpetrator?

A No idea.

MR. ENGQUIST: I'm sorry. Could you repeat the que -- did you say good or bad opportunity to be the perpetrator, or did you say --

MR. HAZINSKI: Sorry, to view. To view.

MR. ENGQUIST: To view, okay. Okay. I'm sorry. That's why I was confused. Okay, sorry.

BY MR. HAZINSKI:

Q No worries. Do you know one way or the other, whether any identifications that were made in -- during the Roman homicide investigation were reliable?

A No, I wasn't there.

Q Okay. Since this lawsuit was filed, have you had any communications with any of the other defendants in this case, including Guevara, Mr. Halvorsen, or Mr. Riccio about this lawsuit?

A No.

Q Okay. And this process of answering questions about this case and reviewing the documents here today, did that process bring back any independent memories of the Roman homicide investigation that you didn't have

1 before we started this deposition?

2 A No.

3 MR. HAZINSKI: Okay. All right, Mr. Gawrys, I  
4 don't have any further questions for you at this  
5 time. Thank you.

6 THE WITNESS: Okay. Thank you. Anything? No?

7 MR. ENGQUIST: We're waiting for Austin. Who  
8 else is on that? I'm sorry. Austin, or I think  
9 Kevin's on. Anything from either of you? Or do  
10 you admitted or whatever?

11 MR. RAHE: The City doesn't have any  
12 questions.

13 MR. ZIBOLSKI: This is Kevin. No questions  
14 for Guevara.

15 MR. ENGQUIST: None for me. We'll reserve.

16 COURT REPORTER: Okay. We are going off  
17 record. The time is 1:33 p.m. Eastern Standard  
18 Time. Will all parties please continue to remain on  
19 the line?

20 (DEPOSITION CONCLUDED AT 1:33 P.M.)  
21  
22  
23  
24  
25

1 CERTIFICATE OF REPORTER  
2

3 I do hereby certify that the witness in the foregoing  
4 transcript was taken on the date, and at the time and  
5 place set out on the Title page here of by me after  
6 first being duly sworn to testify the truth, the whole  
7 truth, and nothing but the truth; and that the said  
8 matter was recorded stenographically and mechanically by  
9 me and then reduced to typewritten form under my  
10 direction, and constitutes a true record of the  
11 transcript as taken, all to the best of my skill and  
12 ability. I certify that I am not a relative or employee  
13 of either counsel, and that I am in no way interested  
14 financially, directly or indirectly, in this action.

15  
16  
17  
18 *AALAYAH PURNELL*  
19  
20  
21

22 AALAYAH PURNELL,

23 COURT REPORTER/NOTARY

24 COMMISSION EXPIRES: 03/22/2025

25 SUBMITTED ON: 12/06/2021

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## EXHIBIT 23





**KENTUCKIANA**  
— COURT REPORTERS —

**CASE NO. 1:19-CV-6508**

**GERALDO IGLESIAS**

**V.**

**REYNALDO GUEVARA, ET AL.**

**DEPONENT:**

**ANTHONY RICCIO**

**DATE:**

**May 18, 2022**



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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CASE NO. 1:19-CV-6508

HON. FRANKLIN U. VALDERRAMA,

DISTRICT JUDGE

HON. MARIA VALDEZ,

MAGISTRATE JUDGE

GERALDO IGLESIAS,

Plaintiff

V.

REYNALDO GUEVARA, ET AL.,

Defendants

DEPONENT: ANTHONY RICCIO

DATE: MAY 18, 2022

REPORTER: SYDNEY LITTLE

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## STIPULATION

The VIDEO deposition of ANTHONY RICCIO was taken at KENTUCKIANA COURT REPORTERS, 30 SOUTH WACKER DRIVE, 22ND FLOOR, CHICAGO, ILLINOIS 60606, via videoconference in which all participants attended remotely, on WEDNESDAY the 18th day of MAY 2022 at 10:01 a.m.; said deposition was taken pursuant to the FEDERAL Rules of Civil Procedure. The oath in this matter was sworn remotely pursuant to FRCP 30.

It is agreed that SYDNEY LITTLE, being a Notary Public and Court Reporter for the State of ILLINOIS, may swear the witness and that the reading and signing of the completed transcript by the witness is not waived.

## PROCEEDINGS

COURT REPORTER: On record. My name is Sydney Little. I'm the online video technician and court reporter today representing Kentuckiana Court Reporters, located at 730 West Main Street, Suite 101, Louisville, Kentucky 40202 [sic]. Today is the 17th [sic] day of May 2022. The time is 10:02 a.m. We are convened by videoconference to take the deposition of Anthony Riccio in the matter of Geraldo Iglesias versus Reynaldo Guevara, et al. pending in the United States District Court for the Northern District of Illinois, Eastern Division, case number 1:19-CV-6508. Will everyone but the witness please state your appearance, how you're attending, and the location you are attending from starting with plaintiff's counsel?

MR. SWAMINATHAN: Anand Swaminathan for plaintiff, Geraldo Iglesias, appearing by Zoom from Chicago.

MS. ROSEN: Eileen Rosen on behalf of defendant, City of Chicago, appearing by Zoom in Chicago.

MR. BRUEGGEN: Dave Brueggen on behalf of the witness, Defendant Riccio, also representing



1 Defendant Gawrys, Biebel, and Halvorsen, both  
2 appearing from Chicago.

3 MS. MCGRATH: Good morning. Megan McGrath,  
4 appearing for Defendant Guevara, appearing from  
5 Chicago.

6 COURT REPORTER: All right, thank you.  
7 Mr. Riccio, will you please state your name for the  
8 record?

9 THE WITNESS: Anthony Riccio. And if I could  
10 just clarify something. You said today was  
11 May 17th. It's May 18th.

12 COURT REPORTER: Oh, excuse me. Sorry. Thank  
13 you.

14 THE WITNESS: No problem.

15 COURT REPORTER: Do all parties stipulate that  
16 the witness is, in fact, Anthony Riccio?

17 MR. SWAMINATHAN: So stipulated from the  
18 plaintiff.

19 MS. MCGRATH: So stipulated.

20 COURT REPORTER: Thank you. Mr. Riccio, will  
21 you please raise your right hand? Do you solemnly  
22 swear or affirm that the testimony you are about to  
23 give will be the truth, the whole truth, and nothing  
24 but the truth?

25 THE WITNESS: I do.

1 COURT REPORTER: Thank you. Counsel, you may  
2 begin.

3 MR. SWAMINATHAN: Thank you.

4 DIRECT EXAMINATION

5 BY MR. SWAMINATHAN:

6 Q Mr. Riccio, please state and spell your name  
7 for the record.

8 A Anthony Riccio, R-I-C-C-I-O.

9 Q And did you pronounce that Riccio with a --

10 A Yes, I do.

11 Q Okay. All right. I'll -- I will try to do  
12 that. And I have referred to you as Mr. Riccio, and I  
13 hope that is acceptable to you. I know you've had a  
14 distinguished career in the Chicago Police Department,  
15 but some of your prior titles are a little wordy for my  
16 -- for purposes of the deposition. So --

17 A Absolutely.

18 Q -- is it perfectly respectful to you if I call  
19 you Mr. Riccio?

20 A Absolutely. Thank you.

21 Q Okay. All right. Thank you. Okay.  
22 Mr. Riccio, can you tell me if you've ever been  
23 previously deposed?

24 A I have been, yes.

25 Q How many times have you been deposed, sir?

1           A     Difficult to say. I -- I could ballpark it at  
2 maybe a dozen. It's -- it's hard to say over the course  
3 of, you know, a 35-year career. Maybe a dozen or so. I  
4 -- it's difficult to say.

5           Q     Understood. Have you -- have -- has every  
6 time you have been deposed been in the context of your  
7 work as a police officer?

8           A     To the best of my recollection, yes.

9           Q     Do you recall any instances when you were --  
10 when you were deposed with regard to a personal matter  
11 unrelated to your work as a police officer?

12          A     No, not that I can recall.

13          Q     Okay. Have you ever been sued in your  
14 personal capacity unrelated to your work as a Chicago  
15 police officer?

16          A     No. I have not.

17          Q     Have you ever sued anyone unrelated to your  
18 work as a Chicago police officer?

19          A     No. Nothing that I could think of. I mean,  
20 maybe a traffic accident or something with the  
21 insurance, but I -- I don't think anything has --  
22 nothing's ever gone to court or been deposed or  
23 anything. But other than that, no.

24          Q     Okay. Other than something like a traffic  
25 accident, you can't recall any instances in which you

1 had a personal lawsuit unrelated to your police work,  
2 correct?

3 A That's correct.

4 Q Okay. The times that you -- the approximately  
5 dozen times that you have been deposed, when is the last  
6 time you've had such a deposition?

7 A Probably like several months ago.

8 Q What was the matter on which you were deposed?

9 A It's a lawsuit from current and former police  
10 department employees. I was -- I was deposed as a  
11 witness and -- I think it's -- it's regarding the  
12 demotion or failure to promote, something of that  
13 nature. An internal thing within the police department.  
14 I was deposed as a witness.

15 Q And were you ever deposed in a case based on  
16 your work as a homicide detective?

17 A I -- I -- I couldn't say yes or no. I have to  
18 say I don't recall.

19 Q Okay. Have you ever been deposed during the  
20 course of your police career as a defendant in a  
21 lawsuit?

22 A Yes.

23 Q Okay. How many times have you been deposed as  
24 a defendant in a lawsuit?

25 A I -- I don't recall the number. I would say a

1 small number, maybe two to three. I -- I really don't  
2 recall.

3 Q Thank you. And you understand that today  
4 you're being deposed as a defendant in this lawsuit,  
5 correct, sir?

6 A Yes, I do.

7 Q Okay. So other than this instance, it's your  
8 recollection that approximately two to three times  
9 you've been previously deposed as a defendant in a  
10 lawsuit based on your police work, correct?

11 A Yes, that's correct.

12 Q Okay. And tell me, in any of those prior  
13 instances when you were a defendant in a lawsuit based  
14 on your police work, was there ever a judgment entered  
15 against you?

16 A I don't recall. A lot of times you don't get  
17 the outcome of them. The cases are settled or disposed  
18 of, and you don't really know. So I would have to say I  
19 don't know would be probably the best answer I can give  
20 you on that.

21 Q Are you aware of any instances when you were  
22 previously a defendant in which the case settled by a  
23 monetary payment?

24 A I -- I -- I don't know. Perhaps. But again,  
25 I don't know, because a lot of times that information is

1 never provided back to the officer.

2 Q Okay. With regard to those two to three prior  
3 instances in which you've been deposed where you were a  
4 defendant in a lawsuit, tell me what you remember about  
5 any of those lawsuits against you.

6 A I -- I really don't have a recollection of  
7 what the facts were. And again, they were probably  
8 quite old. I really don't recall what the facts of  
9 those were. I'm sorry.

10 Q Okay. Were any of those prior lawsuits  
11 related to your work as a detective?

12 A Again, I -- I don't recall. That was such a  
13 long time ago. Off the top of my head, I would say no.  
14 But I -- I -- I don't want to be held to that because,  
15 again, it was such a long time ago.

16 Q Understood. Any of those prior instances in  
17 relate -- strike that. Any of those prior two to three  
18 instances when you were deposed in cases where you were  
19 a defendant, were they cases that emanated from your  
20 work as a gang crimes officer?

21 A Again, I -- it -- I -- I can't say with  
22 certainties. I would just have to say I don't recall.

23 Q Okay. All right. How many times have you  
24 been -- strike that. Have you testified in court -- in  
25 court on numerous occasions?

1 A Yes, I have.

2 Q As a sworn police officer?

3 A Yes. Correct.

4 Q Okay. Would you say you've testified in court  
5 hundreds of times?

6 A Yeah. I mean, hundreds might be -- might be  
7 excessive, but often -- a lot.

8 Q Okay. Would you say that it's probably been  
9 over 100 times that you've testified in court under  
10 oath?

11 A I would say it's probably about 100 times.  
12 Maybe in that vicinity.

13 Q Okay. All right. And you understand you're  
14 under oath today, correct?

15 A Correct.

16 Q Okay. And you understand what that means,  
17 correct?

18 A Yes.

19 Q Okay. All right. Let me just go through the  
20 ground rules. I suspect you know them, but I will say  
21 them again here today. This is basically a question-  
22 and-answer session. I'll ask my questions, you'll  
23 answer them to the best of your ability, and there'll be  
24 a court reporter taking that down. So first important  
25 rule is we have to -- I need to hear verbal answers. Yes

1 or no, not nods of the heads or uh-huh because the court  
2 reporter can't take that down, okay?

3 A Got it.

4 Q Okay. Next important rule is for the court  
5 reporter, we can't be talking at the same time, so  
6 please make sure I finish my question before you answer,  
7 okay?

8 A Got it.

9 Q There will be times in the deposition where  
10 you will surely know where my question is going and  
11 where it's going to end, but please try to make sure I  
12 finish my question before you answer, okay?

13 A Got it.

14 Q Similarly, if I have started to ask you my  
15 next question because I thought you were done answering  
16 and you had more to say, please let me know and I'll let  
17 you finish your answer, okay?

18 A Got it.

19 Q Okay. You and I both talk fast, and so the  
20 court reporter may at times tell us to slow down, but  
21 barring that, just be aware that she is trying her best  
22 to take it all down so we should try to help her do  
23 that, okay?

24 A Understood.

25 Q If I ask you a question and you don't



1 understand my question, please let me know and I will  
2 rephrase it, okay?

3 A Okay.

4 Q And if you answer my question, I'll assume you  
5 understood my question, also fair?

6 A Fair.

7 Q Okay. If you need to take a break at any  
8 point, we can do that. We just need to answer any  
9 pending question before we take a break, okay?

10 A Good.

11 Q All right. A couple of yes or no questions  
12 that -- so I'm not asking you to get into details. Just  
13 answer these yes or no to the extent you can, okay?  
14 First question. Are you taking any medications that  
15 would prevent you from being able to understand my  
16 questions and answer them today?

17 A No, I'm not.

18 Q Do you suffer from any medical conditions that  
19 would prevent you from being able to understand my  
20 questions and answer them today?

21 A No, I don't.

22 Q Is there any reason you believe that you're  
23 not in the position today to be able to understand my  
24 questions and answer them truthfully?

25 A No, I am not.

1 Q Okay. All right. Sir, do you speak Spanish?

2 A No, I don't.

3 Q At any point during the time you were a  
4 Chicago police officer have you been a Spanish speaker?

5 A No, I have not.

6 Q When speaking with or interviewing witnesses  
7 who speak Spanish, have you ever been able to conduct  
8 those interviews yourself, or have you always required a  
9 translator?

10 A I would've always required a translator.

11 Q And during the course of your career, I assume  
12 there have been instances when you have interviewed  
13 Spanish speakers?

14 A There -- more than likely there was, yes. I  
15 don't recall specifically, but yes.

16 Q In general, that has occurred during the  
17 course of your time as an investigator, fair?

18 A Most likely, yes.

19 Q And in those instances, would you typically  
20 use other Chicago police officers who were Spanish  
21 speakers as a translator?

22 A Sometimes, yes. There were translators  
23 available through the department as well. Sometimes you  
24 would use a citizen. You would use whatever was  
25 expedient.

1 Q Okay. But in none of those instances did you  
2 try to speak Spanish or interpret for yourself; is that  
3 fair?

4 A No. That's fair. Yes.

5 Q Okay. All right. Officer -- sir, could you  
6 tell me what you did to prepare for today's deposition?

7 A I talked with my attorneys and reviewed some  
8 of the pertinent reports.

9 Q Anything else?

10 A No. That was all.

11 Q How many meetings did you have with your  
12 attorneys?

13 A Two.

14 Q When was the first of those meetings?

15 A The first was Monday the 16th of May.

16 Q And when was the second of those meetings?

17 A Tuesday the 17th of May.

18 Q Okay. Who was present for your meeting on  
19 Monday, May 16th?

20 A Myself and my two attorneys.

21 Q And when you say your two attorneys, who are  
22 you referring to?

23 A Josh and Dave.

24 Q Josh is Josh Engquist?

25 A Yes, it is. Yes, it is.

1 Q And -- and Dave is Dave Brueggen?

2 A Yes. Correct.

3 Q Anyone else for that meeting on May 16th?

4 A The same. Myself and my two attorneys.

5 Q Sorry, let me ask it again. I think you might  
6 have misunderstood me. At that first meeting on  
7 May 16th, was anyone present other than yourself and  
8 Mr. Brueggen and Mr. Engquist?

9 A Oh. No. No, no one else was present.

10 Q Okay. Did anybody else participate by phone?

11 A No.

12 Q Okay. For your meeting on Tuesday the 17th,  
13 who was present at that meeting?

14 A Myself, my two attorneys, and, for a time,  
15 Eileen Rosen was also present.

16 Q Okay. So on Tuesday the 17th, the attorneys  
17 present were Mr. Engquist, Mr. Brueggen, and Ms. Rosen,  
18 correct?

19 A That's correct.

20 Q Okay. How long was your meeting on Monday the  
21 16th?

22 A God, I don't -- I don't recall. Maybe like  
23 three hours.

24 Q Okay. And how long was your meeting on  
25 Tuesday the 17th?

1           A     A little bit longer. Maybe four hours. I'm  
2     just -- I'm just guessing on both of these. Ball  
3     parking it.

4           Q     Okay. And other than those two meetings, did  
5     you have any prior meetings with counsel in preparation  
6     for any earlier scheduled deposition in this case?

7           A     We had talked about scheduling. No specifics  
8     about the case. But those were the only two meetings  
9     where we talked and discussed the case and prepared for  
10    the deposition.

11          Q     Okay. Did you do any work independently to  
12    prepare for today's deposition in terms of reviewing  
13    documents or anything else outside the presence of  
14    counsel?

15          A     No.

16          Q     Did you have any substantive conversations  
17    about the deposition with counsel other than in those  
18    two meetings on Monday and Tuesday?

19          A     No.

20          Q     Okay. Did you review documents in your first  
21    meeting with counsel on Monday the 16th?

22          A     Yes.

23          Q     What documents did you review?

24          A     Documents from the case file, specifically two  
25    lineup sup reports, the arrest report, investigative

1 file inventory. I want to say that was it. I don't  
2 recall any others. There may have been a couple others  
3 that we talked about, but I think primarily those were  
4 the ones.

5 Q And those documents that you've described so  
6 far all -- are all forms of police reports, correct?

7 A Correct.

8 Q Okay. And did you review all of the police  
9 reports in the file or select police reports in the  
10 file?

11 A Just select police reports.

12 Q Okay. And so, you recall that among the  
13 police reports you would've reviewed on Monday were the  
14 two lineup supplementary reports, correct?

15 A Correct.

16 Q And also the arrest report, correct?

17 A Correct.

18 Q And also, did you say the inventory?

19 A Investigative file inventory, yes.

20 Q Okay. Did you also review the cleared closed  
21 report?

22 A No, I did not.

23 Q Did you also review the initial scene reports?

24 A No, I did not.

25 Q Did you review any GPRs?

1 A No, I did not.

2 Q Did you review any photos?

3 A Yes. There were two lineup photos that I  
4 reviewed.

5 Q Any other photos you reviewed in that meeting?

6 A No. Those were the only two photos.

7 Q Okay. Any transcripts or testimony that you  
8 reviewed?

9 A No.

10 Q In your meeting on -- well, strike that.  
11 Anything else you recall -- any -- strike that. Any  
12 other documents you recall reviewing during your first  
13 meeting on Monday the 16th?

14 A Not that I can recall, but it was kind of a  
15 lengthy meeting. But to the best of my recollection,  
16 those were the only ones.

17 Q Okay. And so, to the best of your  
18 recollection in your meeting on Monday the 16th, the  
19 only type of documents you reviewed were police reports,  
20 correct?

21 A Well, police reports, photos, the  
22 investigative file inventory. I don't know if that's a  
23 report, per se. It's more of a form. But yeah, that --  
24 that was all. Yes.

25 Q Okay. Thank you. And let me clarify, then.

1 That's a good -- that's a good point. The only  
2 documents you reviewed in your meeting on Monday the  
3 16th were documents generated as part of the police  
4 investigation, fair?

5 A That's fair.

6 Q Okay. On Tuesday the 17th, did you review any  
7 documents other than documents generated as part of the  
8 police investigation?

9 A No, I did not.

10 Q Okay. On Tuesday, did you review any  
11 additional or new documents other than the documents you  
12 reviewed on Monday?

13 A No. The same documents.

14 Q Okay. So the documents you reviewed on  
15 Tuesday -- strike that. So on Tuesday you did review  
16 the same set of documents you reviewed on Monday?

17 A Yes, to some degree. We reviewed them again.  
18 Yes.

19 Q Okay. So at any point during your preparation  
20 for this deposition did you review all the documents in  
21 the investigative file?

22 A No.

23 Q At any point in preparation for this  
24 deposition did you review the cleared closed report?

25 A No.



1 Q At any point in preparation for today's  
2 deposition did you review any of the original or initial  
3 scene supplementary reports?

4 A No.

5 Q And at any point in preparation for today's  
6 deposition did you review any GPRs?

7 A No.

8 Q In preparation for today's deposition did you  
9 review the complaint that was filed in this case?

10 A No.

11 Q In preparation for today's deposition did you  
12 review any document requests or interrogatory requests  
13 that were submitted to you?

14 A We did review the interrogatory that you had  
15 requested of us.

16 Q Okay. And you provided a supplement to that  
17 interrogatory, correct?

18 A That's correct.

19 Q Okay. Other than that interrogatory, any  
20 other discovery requests that you reviewed in  
21 preparation for today?

22 A No.

23 Q Have you ever previously -- prior to the  
24 reviewing that document at yesterday's deposition -- at  
25 yesterday's preparation -- well, strike that. Prior to

1 reviewing the interrogatory responses in your  
2 preparation for today's deposition this week, had you  
3 previously ever seen those responses?

4 A Yes. When they were initially submitted.

5 Q Okay. Had you previously seen any requests  
6 for production that were submitted to you?

7 A I would say no because I don't know what those  
8 are.

9 Q Okay. Did you ever receive any requests for  
10 documents from your counsel?

11 MR. BRUEGGEN: Object. I think you're kind of  
12 getting into attorney-client privilege. I think you  
13 need to clarify the question, Anand. You're asking  
14 if we asked him for documents? I think that's --

15 MR. SWAMINATHAN: No. I'm asking if he ever  
16 received -- okay. So let me -- yeah, let me clarify  
17 and ask it a little differently.

18 BY MR. SWAMINATHAN:

19 Q In this case, there were a set of requests for  
20 production. Basically a request for the party,  
21 yourself, to produce documents. Did you ever receive or  
22 review such a document?

23 A I was asked if I had any --

24 MR. BRUEGGEN: And -- and --

25 THE WITNESS: Sorry.

1 MR. BRUEGGEN: Don't -- don't talk about  
2 anything that we talked about.

3 THE WITNESS: Okay.

4 MR. BRUEGGEN: He's just asking if you saw the  
5 document. If you --

6 THE WITNESS: Okay.

7 MR. BRUEGGEN: -- recall seeing --

8 MR. SWAMINATHAN: Correct.

9 MR. BRUEGGEN: -- the document.

10 MR. SWAMINATHAN: That's correct. So let me  
11 clarify.

12 BY MR. SWAMINATHAN:

13 Q Without going to any attorney-client  
14 communications. I don't want to know about any  
15 conversations you had with counsel. I want to know only  
16 if the document identified as a request for production  
17 or a request for you to produce documents is something  
18 you've ever seen?

19 A I'm going to go with no because I don't recall  
20 ever seeing it, so

21 Q Okay. Okay. In your preparation for today's  
22 deposition, have you reviewed any transcripts of  
23 depositions or trials?

24 MR. BRUEGGEN: Objection, asked and answered.  
25 Go ahead, sir.

1 A No, I have not.

2 Q Have you reviewed any material related to the  
3 post-conviction proceedings that resulted in Mr.  
4 Iglesias' exoneration?

5 A No, I have not.

6 Q Okay. And just to sort of clarify, as we move  
7 forward through the deposition, we're obviously going to  
8 be talking today about the homicide case that resulted  
9 in the conviction of Geraldo Iglesias. When I refer to  
10 Mr. Iglesias, you understand that I'm referring to the  
11 plaintiff in this case, correct?

12 A Yes. Yes, I understand.

13 Q And you understand that this lawsuit concerns  
14 an -- police -- underlying police investigation into the  
15 murder of a woman named Monica Roman, correct?

16 A Yes. I understand that.

17 Q Okay. And so, for purposes of today's  
18 deposition, when I refer to the Roman investigation or  
19 the Roman homicide investigation, you understand that  
20 I'm referring to the underlying homicide investigation  
21 that resulted in Mr. Iglesias' conviction, fair?

22 A Fair.

23 Q Okay. And when I -- and when I refer to Mr.  
24 Iglesias or I refer to this case, I'm referring to the  
25 homicide investigation that resulted in Mr. Iglesias'

1 conviction, correct?

2 A Understood. Yes, sir.

3 Q Thank you. All right. So with that -- with  
4 that sort of clarification, I -- you might have answered  
5 the question. I apologize if I'm asking it again. Are  
6 you aware of any of the evidence or information that  
7 resulted in Mr. Iglesias' conviction being vacated?

8 MR. BRUEGGEN: Object to form.

9 A No, I am not.

10 Q Have you reviewed any of the post-conviction  
11 documents or court-related materials related to Mr.  
12 Iglesias' exoneration?

13 MR. BRUEGGEN: Objection. Asked and answered.

14 Go ahead, sir.

15 A No, I am not aware of anything.

16 Q Did you testify at the trial of Mr. Iglesias?

17 A No, I did not.

18 Q Did you testify any pre-trial proceedings  
19 related to Mr. Iglesias' case?

20 A No. And let me qualify my last answer. Not  
21 that I recall. Again, this was 30 years ago. I don't  
22 recall testifying at the trial or pre-trial or -- or  
23 anything else.

24 Q Okay.

25 A That said, it was 30 years ago. I don't

1 recall.

2 Q Okay. Did -- when you reviewed documents in  
3 preparation for today's deposition related to the  
4 underlying Roman investigation, prior to that, when was  
5 the last time you'd ever seen any underlying documents  
6 related to the Roman investigation?

7 A I would say probably back in Area 5 when the  
8 incident occurred. Again, I don't recall if I was  
9 called to testify at trial. I don't -- I don't remember  
10 being there, so I'll just say I don't recall. But if,  
11 in fact, I was not at the trial, then it would be at  
12 Area 5 when the -- when the incident was being  
13 investigated.

14 Q Okay. So other than back at the time of the  
15 underlying investigation -- well, strike that -- between  
16 the time of Mr. Iglesias' conviction at minimum, through  
17 the time you reviewed the documents in preparation for  
18 today's deposition this week, you did not review any of  
19 the underlying police reports related to the Roman  
20 investigation at all, correct?

21 MR. BRUEGGEN: Object to form. Go ahead, sir.

22 A That's correct. With one caveat. My  
23 attorneys did provide me with copies of it shortly after  
24 I was notified of this lawsuit, so I -- and I don't  
25 remember the timeframe on that. Maybe eight months ago,

1 ten -- maybe even longer. Maybe a couple years ago.

2 Q Okay.

3 A Having said that, they gave me a stack of  
4 those reports that I perused at the time, and then,  
5 quite honestly, put in a drawer and haven't seen since.

6 Q Okay, thank you. And that's -- you've  
7 anticipated my next question, which --

8 A Okay.

9 Q -- was going to be to ask you, once you found  
10 out that this lawsuit had been filed -- I assume when  
11 you first learned of the lawsuit, you had not at any  
12 time recently you reviewed any documents related to the  
13 Roman investigation, correct?

14 A Correct.

15 Q Okay. So when you found out that you were a  
16 defendant in the Roman -- in this lawsuit related to the  
17 Roman investigation, did you have any specific memory of  
18 the investigation at that point?

19 A No, not at all.

20 Q Okay. When you -- and so, after you found out  
21 that you had been sued, did you then -- (coughs) excuse  
22 me, then receive documents related to the underlying  
23 investigation?

24 A I did receive those documents, yes.

25 Q And are you still in possession of those

1 documents?

2 A I still have those documents, yes.

3 Q Okay. And are those documents all documents  
4 generated as part of the police investigation?

5 A They are.

6 Q Is it the entire investigative file for the  
7 case?

8 MR. BRUEGGEN: Object to foundation. Go ahead,  
9 sir.

10 A Yeah, I couldn't say with certainty. I --  
11 because I don't know what was in the file. It's, you  
12 know, maybe about an inch-and-a-half thick of reports.  
13 And again, to be perfectly honest, I -- I didn't review  
14 that -- that pile at all. But perusing it, I believe  
15 that it does contain contents from the investigative  
16 file.

17 Q Okay. And based on your review of it, did it  
18 contain the kinds of documents you typically would see  
19 in an investigative file based on your experience?

20 A Yes, it did.

21 Q Okay. And was it essentially a larger  
22 collection of materials than what you specifically  
23 reviewed in preparation for today's deposition this  
24 week?

25 A Yes, it is.



1 Q Okay. And so, you spent some time perusing  
2 that material when you first received it; is that fair?

3 A I think that would probably be overstating how  
4 -- how much I looked at it. I was still working at the  
5 time. I was a first deputy. I remember getting the  
6 packet and maybe flipping through pages and, quite  
7 honestly, I put it in a drawer until I figured I would  
8 need it again.

9 Q Okay. How much total time do you spent -- do  
10 you think you spent looking at it when you first  
11 received that set of materials?

12 A Less than -- less than five minutes. Maybe  
13 less than -- less than three minutes. Yeah.

14 Q Okay. Once you found out you were a defendant  
15 in this lawsuit, other than conversations with counsel  
16 -- I want you to put that to this side. When you found  
17 out that you were a defendant in this lawsuit, did you  
18 speak to anyone else who was a current or former police  
19 officer about that?

20 A No, not that I can recall.

21 Q Did you receive a copy of the complaint?

22 A Yes.

23 Q Okay. And you -- and the complaint identified  
24 other police officers who were defendants in the  
25 lawsuit, correct?

1           A     You know, I didn't read the complaint either.  
2     I discussed it with my attorneys at the time they gave  
3     it to me, but I didn't read the complaint either.

4           Q     Did you recognize the names of any of the  
5     other defendants in the lawsuit?

6           A     Probably. Again, I don't -- I don't recall  
7     reading it. But yeah, I -- I certainly know the other  
8     defendants. (phone rings).

9           Q     Did you -- do you need to take that call?

10          A     No, no, no. It's probably spam, actually.

11          Q     Okay. Did you -- after you received -- found  
12     out about that lawsuit against you, did you have any  
13     conversations with Reynaldo Guevara?

14          A     No.

15          Q     Between the time that you found out about this  
16     lawsuit and today, have you had any conversations with  
17     Reynaldo Guevara?

18          A     No.

19          Q     When was the last time you've ever spoken to  
20     Mr. Guevara?

21          A     Oh, God. I would say, and I'm ball parking,  
22     25 years ago. 20 years ago.

23          Q     Would that have been while in the context of  
24     your work as a Chicago police officer?

25          A     Yes.

1 Q And so, would it have been at work, or would  
2 it have been outside of work?

3 A No. It would've definitely been at work if,  
4 in fact, it was 20 years ago. It may have been longer.  
5 It's -- it's been a very long time.

6 Q Was it -- was the last time you spoke with  
7 Detective Guevara while you were a detective or in some  
8 supervisory capacity?

9 A It -- well, I was -- I was a sergeant in Area  
10 5 after I was a detective in Area 5. So obviously,  
11 Guevara worked in Area 5, so it would've been while I  
12 was a sergeant working at Area 5.

13 Q Okay. So after you moved on from being a  
14 sergeant at Area 5, did you ever have any other  
15 communication with Detective Guevara between that time  
16 and today?

17 A I'll say no with a caveat that, you know,  
18 possibly a hello and goodbye, but I -- I really don't  
19 recall. I don't -- I don't think that I had any contact  
20 with him after I left Area 5.

21 Q Okay. Thank you. And during the time that  
22 you worked with Detective Guevara at Area 5, either in  
23 your capacity as a detective or as a sergeant, did you  
24 ever socialize with Detective Guevara?

25 A No. Never.

1 Q Did you ever spend time with him outside of  
2 work getting drinks or anything like that?

3 A Never.

4 Q When you -- did you -- when you found out  
5 about this lawsuit, did you have any communications with  
6 Ernest Halvorsen?

7 A No. I believe Ernest Halvorsen was deceased  
8 when I found out about it.

9 Q Okay. When you -- when was the last time  
10 you'd ever spoken to Ernest Halvorsen?

11 A Probably when I left Area 5, which would've  
12 been in 1998. I don't recall any contact with him after  
13 that as well.

14 Q Okay. And that was -- so 1998 is when you  
15 left your position as a sergeant in the -- at Area 5,  
16 correct?

17 A That's correct.

18 Q Okay. Did you have any -- strike that. Did  
19 you ever socialize with Ernest Halvorsen?

20 A No. Never.

21 Q Did you attend his funeral?

22 A No, I did not.

23 Q When is the last time you had any  
24 conversations or contact with Steven Gawrys?

25 A Probably when I left Area 5 as well, in 1998.

1 I don't recall any contact with him after that unless  
2 our paths crossed at work or something. But again,  
3 Steve and I never socialized or had any sort of  
4 relationship outside of work.

5 Q So let me ask the question, just so that I  
6 have the question rather than a compound form. Have you  
7 ever socialized outside of work with Steve Gawrys?

8 A No.

9 Q Okay. When's the last time you ever spoke  
10 with Bob Biebel?

11 A I had dinner with Bob Biebel -- there was a  
12 group of people who had dinner, and Bob Biebel was one  
13 of them. I would say maybe six months ago, eight months  
14 ago.

15 Q Did you talk about this lawsuit at all?

16 A No.

17 Q Did you talk about your Chicago policework at  
18 all?

19 A Yes.

20 Q At that time, was Mr. Biebel in the Chicago  
21 Police Department?

22 A No. He had been retired for years.

23 Q Okay. Did you talk at all about your work as  
24 a homicide detective during that dinner?

25 A Not that I can recall.

**Q Who else was present?**

A There was a group of people -- I know a guy named Bob Myers was present. Tony Wojcik was present. There were a couple guys there. I -- I don't even know -- I don't even remember their names. A guy named George McMurray was present. I think it was McMurray.

**Q Was it John McMurray or George McMurray?**

A Oh, maybe it was John McMurray. John McMurray. Yeah.

**Q And what was the reason that that particular group of people were getting together for dinner approximately?**

A Oh, just because we had all been -- we had all been coworkers at one point in time or another in our career and some, you know, associations. We hadn't seen each other for a long time, so one of the guys kind of set up a dinner for everybody to just meet up and catch up and chit-chat.

**Q Who set up the dinner?**

A I think it was Bob Myers set it up.

**Q And was it -- was the commonality all people who had previously worked as detectives, or was it some other commonality?**

MR. BRUEGGEN: Object to foundation. Go ahead, sir.

1 A Yeah. Chicago police officers. I don't -- I  
2 don't think everybody there had been a detective.

3 Q Okay. Did you talk to Tony Wojcik during that  
4 dinner?

5 A Yes.

6 Q And what did you and Tony Wojcik discuss?

7 A Oh, I -- war stories, family. I don't -- I  
8 don't remember anything with certainty, but that was  
9 kind of the -- the vibe of the night. Just, you know,  
10 rehashing war stories and how good things were and how  
11 bad things are. Just chit-chat, small talk, family  
12 stuff.

13 Q What do you mean by how good things were and  
14 how bad things are now?

15 A Well, just the state of the police department.  
16 And, you know, one thing police like to do when they get  
17 together is talk about how good things used to be and  
18 how bad things turned out. So that was it. Just --  
19 just chit-chatting and, you know, how things have  
20 changed on the police department and how bosses have  
21 changed. Small talk.

22 Q Any conversation with Mr. Wojcik about any  
23 past homicide cases?

24 A No.

25 Q Any conversation with Mr. Wojcik about any

1 lawsuits?

2 A No.

3 Q Any conversation with Mr. Biebel about any  
4 lawsuits?

5 A No.

6 Q Any conversation with Mr. Biebel about any  
7 past homicide cases?

8 A No, not that I can recall.

9 Q During the course of that dinner, did Rey  
10 Guevara's name come up at all?

11 A Not that I can recall.

12 Q Okay. When you were at that dinner, were you  
13 aware that Mr. Biebel had also been sued as a defendant  
14 in this lawsuit?

15 A I may have been. I don't want to say for  
16 sure. I may have been aware of it. I don't recall.

17 Q Was that fact mentioned at all in your  
18 conversations with Mr. Biebel that evening?

19 A No. We didn't -- we didn't discuss that at  
20 all.

21 Q Have you had any meetings with Mr. Biebel in  
22 prep -- during the course of this lawsuit and -- well  
23 strike that. Have you -- have you had any meetings with  
24 counsel in which other defendants in this lawsuit were  
25 present?



A No.

**Q Okay. When is the last time you spoke with Ed Mingey?**

A Probably when Ed Mingey retired, which I think was before I left Area 5. So I don't recall specifically. It wasn't after 1998 when I left, but I just don't remember the timing of when he retired. But after I left Area 5, I hadn't seen or talked to Ed Mingey at all.

**Q Have you ever socialized with Ed Mingey?**

A No.

**Q During the time that you were a sergeant overseeing homicide detectives, was he also in that same role?**

A Well --

MR. BRUEGGEN: Object to form. Misstates his testimony. Go ahead, sir.

A Just for clarification, when I was a sergeant, I was a robbery sergeant. I didn't oversee homicide investigations. Ed Mingey was a homicide sergeant. I don't remember if we were sergeants there at the same time. That's -- that -- my memory's not clear on that if he had retired prior to me coming back as a sergeant.

**Q Very good. So let's actually take this as a chance to walk through your background. And we'll go**

1 through it quickly because I know there's a long --  
2 there's a long history there. Let me -- before I do  
3 that, let me just ask you quickly. What are you doing  
4 currently, sir?

5 A Currently I work for Monterrey Security in a  
6 consultant-type position.

7 Q What is Monterrey Security?

8 A It's a private security company located in  
9 Chicago.

10 Q And is that -- what kind of security do they  
11 provide? Is it sort of for distin -- for, you know,  
12 dignitaries? Is it sort of for the bank at the end of  
13 the street? Give me a sense of kind of work it is.

14 A It's pretty broad. I mean they do -- they do  
15 bank security, they do a lot of events security, Bears  
16 games, Chicago Fire games, concerts. They have security  
17 on CTA, so it's kind of wide-ranging.

18 Q Okay. And you receive income from that  
19 position as a consultant for Monterrey Security?

20 A I'm sorry, can you repeat that?

21 Q Sorry. Do you receive income from Monterrey  
22 Security in that --

23 A Oh, yep. Yes, I do.

24 Q Okay. And do you receive a police pension?

25 A Yes, I do.

1 Q Do you have any other sources of income?

2 A No, I do not.

3 MR. SWAMINATHAN: Okay. I was going to ask you  
4 a little bit more about your assets and net worth  
5 related to punitive damages. But Dave, I think we  
6 have the agreement in place in this case about  
7 punitive damages? Correct me if I'm wrong.

8 MR. BRUEGGEN: Yes. We're going to kick that  
9 can down the road until after summary judgment and  
10 then we'll revisit it at that time.

11 BY MR. SWAMINATHAN:

12 Q Okay. Got it. Okay. All right. So we will  
13 move on from that topic. Mr. Riccio, let's just walk  
14 through your police career. I have a general sense of  
15 it, but it's helpful for me to have you sort of walk me  
16 through as best you can. And I think maybe the most  
17 efficient way to do it is to have you just sort of  
18 start, you know, with your entry into the Chicago Police  
19 Department, the first position you held, and sort of  
20 just walk me through your positions. And this will be  
21 the rare instance where I may cut you off at a moment  
22 here or there, just to make sure -- to clarify that I've  
23 understood sort of what you said, and sort of have you  
24 continue. But let's just walk through it so I've got a  
25 sense, okay? Thank you.

1           A     Okay. So I'll go kind of broad. If you want  
2 specifics, let me know.

3           **Q     Thank you.**

4           A     I'm not sure about the dates exactly because  
5 there's a lot, but I'll give you the best I can. I was  
6 hired in August of 1986, and I was a patrol officer for  
7 four years until 1990. In 1990, I was promoted to  
8 detective, and I was a detective until 1994 when I was  
9 promoted to sergeant. And I remained a sergeant until  
10 1998 when I was promoted to lieutenant. I was a  
11 lieutenant from '98 to 2008. In 2008, I was promoted to  
12 commander. I was a commander until 2013. In 2013, I  
13 was promoted to deputy chief, in 2015, I was promoted to  
14 chief, and in 2017, I was promoted to first deputy  
15 superintendent.

16          **Q     Okay. And then you -- and when did you**  
17 **retire?**

18          A     I retired in August of 2020.

19          **Q     Okay. And I think, correct me if I'm wrong,**  
20 **you had previously intended to retire earlier than**  
21 **August of 2020 and then stayed on; is that right?**

22          A     Just a few months earlier, and then I was  
23 requested to remain on through most of the summer, which  
24 I did.

25          **Q     Okay. And then, when did you take up the**

1 position with Monterrey Security?

2 A I want to say January of '21.

3 Q Did you have any other jobs that you had held  
4 during the time that you were a Chicago Police Officer  
5 until your retirement in August 2020?

6 A Occasionally like as a patrolman, I would work  
7 a security job here or there at a venue, but nothing --  
8 nothing steady or -- or anything like that.

9 Q All right. So you were a patrol officer from  
10 1986 to 1990 when you were promoted to detective. During  
11 that period of time, did you ever work out of Gang  
12 Crimes North?

13 A Yes I did.

14 Q And what was the period of time you worked out  
15 of Gang Crimes North?

16 A Again, I'm like really fuzzy on these years.  
17 So I would say probably around '80 -- 1988 to the time I  
18 was promoted in 1990. But again, I'm just ballparking  
19 these dates. I'm not sure about them.

20 Q And at that time, was your title gang crimes  
21 specialist or gang crimes officer? What was it?

22 A Gang crimes officer. I was on the -- what  
23 they call the tactical side of the house.

24 Q Okay. And just -- what was the distinction  
25 between this -- I know that there are these two

1 different concepts, right? Gang crimes officer and gang  
2 crimes specialist, correct?

3 A Right, right.

4 Q In that time period. So what was the  
5 difference or distinction in terms of what they did or  
6 did not do?

7 A Well, there was a couple. For one thing, gang  
8 crime specialists received a higher rate of pay. They  
9 were considered more investigators, investigative. That  
10 was not me. I was on the tactical side of the house,  
11 which is you basically supplemented district manpower  
12 going to areas where there was a lot of gang conflicts  
13 and you did enforcement. So you were arresting gang  
14 members involved in, you know, criminal activity,  
15 on-view things. They -- they wanted us to run name  
16 checks for warrants and check cars for guns and things  
17 like that. So we were -- they called us the tactical  
18 side of the house. The specialists were more  
19 investigators. They didn't -- they did a lot of  
20 investigating and they had knowledge of the nicknames of  
21 gang members and things like that.

22 Q Okay. So the gang -- because you were never a  
23 gang crime specialist?

24 A That's correct. I was never that.

25 Q Got it. But they were also working out of

1 **Gang Crimes North just as the gang crimes officers were?**

2 A Yeah. We had the same office. We had --  
3 reported to the same location, but then we split.

4 Q Okay.

5 A But they didn't attend our roll calls. They  
6 -- they really did their own thing.

7 Q Got it. So would gang crimes -- would -- so  
8 would gang crimes specialists participate or assist in  
9 homicide investigations?

10 MR. BRUEGGEN: Object to foundation. Go ahead,  
11 sir.

12 A Yeah. I -- anecdotally, I could say yes. But  
13 I really don't know what the gang crime specialists did  
14 because, again, I was never part of that. It was almost  
15 like -- it was almost like two separate units, really.  
16 They operated independent of us, we, independent of  
17 them. We just reported to the same location.

18 Q Okay. And then in terms of gang crimes  
19 officers, would they participate or assist in gang -- in  
20 homicide investigations?

21 A Typically, no.

22 Q Okay. Okay. So when you were a gang crimes  
23 officer, you were working out of Gang Crimes North,  
24 correct?

25 A Correct.

1 Q And do you recall who your supervisors were in  
2 that position?

3 A For most of the time I was there, it was a  
4 sergeant named Dan Amaday, and I couldn't spell his last  
5 name today, but he was my sergeant most -- for 99  
6 percent of the time that I was there.

7 Q During the time you were working as a -- out  
8 of Gang Crimes North, was Rey Guevara also working out  
9 of Gang Crimes North?

10 MR. BRUEGGEN: Object to foundation. Go ahead,  
11 sir.

12 A Yep. Rey Guevara was on the specialist side  
13 of the house in Gang Crimes North, yes.

14 Q Would you have interactions with him also as  
15 he was working on Gang Crimes North at the same time as  
16 you?

17 A No.

18 Q Did you -- at that time, was Ed Mingey  
19 overseeing gang crimes specialists at Gang Crimes North?

20 A Yes, he was.

21 Q Did he have any supervisory role over your  
22 work?

23 A No, he did not.

24 Q Okay. Did Steve Gawrys work out of Gang  
25 Crimes North during the period you were there?



1 A Yes, he did.

2 Q And was he working as a gang specialist or  
3 gang officer?

4 A He was on the specialist side of the house.

5 Q And did you work with him at all?

6 A No, I did not.

7 Q As a gang crimes officer, did you specialize  
8 in any particular gangs?

9 A No.

10 Q Was that part of a gang crimes officer's role  
11 to sort of identify certain gangs or have to be assigned  
12 certain gangs to focus on?

13 A I believe that was more of the specialist side  
14 of the house. We were kind of put wherever, like, a  
15 gang conflict flared up. So one day we could have been  
16 in the 25th District, the next day we could have been in  
17 the 14th District, we could have been in the 17th  
18 District. So they kind of moved us around within Area 5  
19 to respond to increases in gang activity. Increased  
20 shootings or -- or conflicts or something of that  
21 nature.

22 Q Okay. While you were in Gang Crimes North,  
23 did you work with Joe Miedzianowski?

24 A No. He was also on the specialist side of the  
25 house.

1 Q Okay. You became a detective in 1990. What  
2 sort of unit within the detective division did you enter  
3 in 1990?

4 A So for, like, the first year I was in the auto  
5 theft unit.

6 Q And then where'd you go after that?

7 A After that I went to Area 5.

8 Q And when you went to Area 5, what kind of  
9 cases did you work?

10 A Primarily, I worked homicides.

11 Q Okay. So as a detective from 1990 to '94, you  
12 worked either in auto theft or in violent crimes,  
13 correct?

14 A That's correct.

15 Q And when I say violent crimes -- and I may --  
16 I've used the term violent crimes now, and I've used the  
17 term homicides. Is there a distinction? I mean, are  
18 homicide investigators and violent crimes investigators  
19 basically the same people?

20 MR. BRUEGGEN: Object to form.

21 A Yeah. I -- you know what it is, over the  
22 course of time, they've -- they've carved out the  
23 homicide guys and then they put them back in violent  
24 crimes. So when I was there, it was Area 5 violent  
25 crimes. Since that time, they've carved out the

1 homicide guys, so it's just homicides. But yeah, I was  
2 there -- it was Area 5 violent crimes.

3 Q Okay. So when you were there, it was called  
4 violent crimes. And one of the things you investigated  
5 as a violent crimes detective was homicides, correct?

6 A That's correct.

7 Q And the group of people who investigated  
8 homicides were in fact violent crimes detectives,  
9 correct?

10 A Yes, that's correct.

11 Q Okay. And when you were a violent crimes  
12 detective from 1990 -- approximately 1991 to 1994, who  
13 was your supervisor?

14 A There were -- there were multiple supervisors.  
15 I was kind of low man on seniority, so I found myself  
16 going to midnights quite frequently. My supervisor on  
17 midnights was a guy named Lee Epplen and a guy named  
18 Frank Capitelli. When I was on days, it would've been  
19 either Bob Biebel, Ed Mingey, a guy named Tom Lee. I  
20 can't remember. There were others as well.

21 Q Okay. So the shifts that you worked while you  
22 were a detective -- strike that. While you were a  
23 violent crimes detective from '91 to '94, were either  
24 midnights or days?

25 A Primarily, yes.

1 Q Okay. And just remind me the shifts in the  
2 day. There's three shifts.

3 A Correct.

4 Q And first shift is which?

5 A The first shift would start at like 11:00 p.m.  
6 and go to like 7:00 a.m.

7 Q And is that -- and that's the same thing as  
8 midnight shift, correct?

9 A Correct. Midnight shift, yeah. Now there  
10 were variations. There were guys who started at like  
11 midnight and went to 8:00 a.m., but it was primarily  
12 those hours.

13 Q Okay. When you say you worked midnights,  
14 you're referring to working first shift, correct?

15 A Correct.

16 Q Okay. And then what was second shift?  
17 Approximately 7:00 a.m. to what time?

18 A First shift -- or, second shift, the day shift  
19 was -- I was an early start, so I started at 7:00 a.m.  
20 and I'd get off at 3:00. Most of the guys started at, I  
21 want to say, 8:30 and got off at 4:30.

22 Q Okay. So second shift was days, correct?

23 A Correct.

24 Q So you worked midnights, or first shift, for a  
25 period of time, and then you switched to second shift,

1 or days, correct?

2 A I kind of jumped back between the two. Again,  
3 because I was low man on seniority. So if first watch  
4 was short due to guys being on vacation or -- or, you  
5 know, being out sick, then because I was so low on  
6 seniority, I would get bumped down to that midnight  
7 shift kind of regularly. So there was really no -- no  
8 rhyme or reason to it. It was just, hey, we need you to  
9 fill in this month. And I would find myself on  
10 midnights.

11 Q Okay. And third shift was referred to as  
12 what?

13 A The afternoon shift. And that typically  
14 started at like 4:00 p.m. and went to about midnight.

15 Q Okay. And did you ever work afternoons?

16 A No, not that I can recall.

17 Q Okay. When you worked as a violent crime  
18 detective, did you work with Rey Guevara?

19 A No.

20 Q When you -- and why is it that you -- he was  
21 working as a violent crime detective at the same time,  
22 correct?

23 A He was, but he always worked afternoons and I  
24 don't think I ever worked afternoons. I don't want to  
25 say never, but rarely, if ever.

1 Q Okay. So basically, he worked a different  
2 shift than you throughout the time you were a violent  
3 crimes detective; is that right?

4 A That's correct.

5 Q Who were your partners as a violent crimes  
6 detective?

7 A So partners in the detective division are not  
8 as clear cut as they would be in patrol. So a lot of  
9 times it's more of teaming up with. So I teamed up with  
10 Steve Gawrys kind of regularly, but that was it. On  
11 midnights, you didn't have a partner. Midnights  
12 everybody was solo. But on days I would frequently team  
13 up with Steve. But then again, a lot of times I would  
14 -- I would be by myself.

15 Q Okay. So other than Steve Gawrys, you didn't  
16 have any sort of regular guys you partnered with; is  
17 that right?

18 A No, that's correct.

19 Q And then on any given case, could you partner  
20 with somebody else, just because of that case and that  
21 particular circumstance?

22 A That -- yeah. Because what would happen is  
23 there would be a case that would require multiple  
24 detectives to go to a scene or -- or to follow up on it,  
25 and you would kind of team up with whoever happened to

1 get assigned to it.

2 Q Okay. During the time you worked as a violent  
3 crime -- you mentioned gang crimes specialist earlier.  
4 During -- and now I'm asking you about your time as a  
5 detective. During the time you were a violent crimes  
6 detective, would you sometimes work with gang crimes  
7 specialists to assist you in homicide investigations?

8 A Sometimes they would provide us information.  
9 We'd never really work with them. They had their own  
10 thing and their own partners and did their own thing.  
11 But occasionally, we would seek them out as a resource  
12 because they were very familiar with nicknames and gang  
13 affiliations, which was something that, as a detective,  
14 you're really kind of distanced from. So you would kind  
15 of seek them out occasionally on gang-related incidents,  
16 yes.

17 Q And then, what are the kinds of things they  
18 would assist with on gang-related investigations?

19 A Just know -- you know, they were very good  
20 with knowledge of who's -- what gangs were having  
21 conflicts. They were knowledgeable about nicknames. If  
22 a witness provided you with a nickname, you could call a  
23 gang specialist and say, "Do you know a person by this  
24 nickname in this particular gang?" And often they did.  
25 And if they didn't, you know, they would go out and find

1 out who that individual was for you. So they were --  
2 they were a good resource, I guess is the best way to  
3 put it.

4 Q And would they some -- so would they sometimes  
5 assist gang investigations by going out and talking to  
6 witnesses?

7 MR. BRUEGGEN: Object to foundation, form. Go  
8 ahead, sir.

9 A Yeah. Typically detectives didn't want gang  
10 specialists talking to the witnesses. So I don't want  
11 to say it didn't happen because it did, but typically we  
12 would ask them to stay away from the witnesses.

13 Q And why is that?

14 A Well, because you get -- you know, there's  
15 issues with documenting things and then there's -- if  
16 it's -- if you have multiple people interviewing the  
17 same witness, you tend to burn the witness out. They  
18 don't want to keep telling their story to multiple  
19 people. So I think for the continuity and to avoid  
20 burning out the witness, we would ask that, you know,  
21 gang specialists or tactical officers or beat officers  
22 -- not just gang specialists. We would ask that they  
23 didn't contact witnesses and just kind of leave that  
24 function up to the detectives.

25 Q And what were the documentation issues with



1 **having gang crime specialists interview witnesses?**

2 A The -- the type of report that's generated.  
3 Detectives generate a much different report. Detectives  
4 tended to be more thorough in their documentation than  
5 gang specialists did. I don't want to say that's the  
6 case for everybody, but it was -- it was cleaner to just  
7 let the detectives handle those -- those type of  
8 interviews.

9 Q Okay. Once you became a sergeant in 1994,  
10 what was your -- what was your supervisory role as a  
11 sergeant?

12 A So initially I went to patrol. I was a  
13 sergeant in the 16th district. I want to say I was  
14 there for about 18 months and then I was transferred  
15 back into the detective division in Area 5.

16 Q Okay. So you became a supervisor in the  
17 detective division around 1995 to '96, fair?

18 A Yes. It was probably -- yeah, '95 or '96, and  
19 I remained there until '98.

20 Q Okay. And in that capacity as a sergeant  
21 supervising detective at Area 5, you were supervising, I  
22 think you said, rob -- the robbery team rather than  
23 violent crimes detectives, correct?

24 A That's correct.

25 Q Did you work on any homicide investigations

1 during that time as a sergeant?

2 A Not that I can recall. It was almost  
3 exclusively -- I mean, you never know if something  
4 popped up, but I want to say it was almost exclusively  
5 robbery cases.

6 Q Okay. And as a supervisor of detectives in  
7 the period from around '95, '96 to 1998, what did that  
8 role entail in terms of supervising the detectives?

9 MR. BRUEGGEN: Object to form, vague. Go  
10 ahead, sir.

11 A Yeah. I mean, can you -- can you narrow that?

12 Q Let me ask a better question. What was --  
13 strike that. How would you go about supervising  
14 detectives in their investigations as a sergeant?

15 A You would assign them cases that would come  
16 in, you would, you know, ensure that their  
17 investigations were accurate. You would review reports.  
18 You would review case reports that came into the area  
19 from the patrol officers. And then there was a lot of  
20 administrative function involved with being a sergeant  
21 as well, making sure that you had enough robbery  
22 detectives to staff each day, making sure that their  
23 cases are turned in in a timely manner, that they don't  
24 have a lot of cases on what was called the late list.  
25 You would make sure that there weren't too many people

1 taking the day off. A lot of administrative functions  
2 come with being a supervisor in the detective division.

3 **Q Tell me about what the late list is.**

4 A The late list is a list that's generated by  
5 the administrative unit in the area that basically says  
6 within 30 days of getting a case, you're supposed to  
7 have some sort of disposition on it, whether it's an  
8 arrest or whether the case is -- you know, there's no  
9 leads to it, so you close it out. But you have to make  
10 sure you submit the paperwork. Something has to be done  
11 with the case. There has to be some investigative  
12 activity on it. And when cases -- when there's no  
13 record of investigative activity, this late list would  
14 be generated, and then you would grab the detective and  
15 say, hey, you need to clear up your late list.

16 **Q Okay. So essentially cases where there had**  
17 **not been a disposition within 30 days of the case being**  
18 **assigned would go on the late list. Do I have that**  
19 **right?**

20 A That's correct.

21 MS. ROSEN: Objection, form.

22 **Q Okay. And then to resolve that, something had**  
23 **to be submitted to the sergeant; is that right?**

24 A Yes. Yes.

25 **Q Okay. And what was it that would have to be**

1 submitted to the sergeant?

2 A Just some record of investigative activity,  
3 that they're waiting for fingerprints to be returned.  
4 Some explanation of why the case hadn't been resolved,  
5 to some degree, within 30 days. And frequently, it was  
6 they were waiting for fingerprints to come back or they  
7 were -- submitted something for DNA or the victim was  
8 out of town or unavailable, but you had to provide some  
9 explanation as to why the case hadn't been resolved in  
10 30 days. And I think the examples I just gave you cover  
11 about 99 percent of why cases were unresolved.

12 Q And then would the way that that case came off  
13 the late list would be by submission of a supplementary  
14 report, for example? Or was it by a -- like a different  
15 -- a memo to the sergeant that's different than the  
16 actual usual reports within an investigation?

17 A Yeah, no. Just some sort of a supplemental  
18 report that explains -- resolves the case or explains  
19 the delay.

20 Q Okay. And that -- would that type of  
21 supplementary -- would that be like a supplementary  
22 report basically?

23 A Yes.

24 Q And so, that would go into the investigative  
25 file for the case?

1 A I could not speak to that. No, I don't know.

2 Q Oh, okay. So when you had some submission  
3 related to resolving being on the late list, you don't  
4 know whether that submission would go on the -- into the  
5 investigative file; is that right?

6 A That's correct. I don't.

7 Q Okay. Was the late -- when you were working  
8 as a violent crimes detective, was there also a late  
9 list that applied for violent crimes detectives?

10 MR. BRUEGGEN: Object to foundation.

11 A There was, yes.

12 Q Okay. So is it the same process?

13 MR. BRUEGGEN: Object to foundation. Go ahead.

14 A Yes. Yes, it is. Same process.

15 Q Okay. All right. During the time you were  
16 working as a detective and sergeant, there was a late  
17 list basically to help ensure that investigations,  
18 whether robberies or violent crimes, were being --  
19 essentially, they were progressing in some way; is that  
20 right?

21 MR. BRUEGGEN: Object to form. Go ahead.

22 A That's correct.

23 Q And when a case -- if a detective had cases  
24 that were on the late list, there would be a need --  
25 there would be some check-in with the supervisors; is

1 that right?

2 A Yes, that's correct.

3 Q And if a detective had, you know, a longer  
4 list of cases on the late list than other detectives,  
5 what was done about that?

6 MR. BRUEGGEN: Object to form and complete  
7 hypothetical. Go ahead, sir.

8 A You'd get hounded by the sergeant and the  
9 sergeant would tell you to clear up your late list,  
10 basically. It wasn't such an issue on the violent crime  
11 side because the cases called out for, you know, some  
12 sort of investigative actions. Typically, we saw these  
13 late lists for the property crime side of the house  
14 where a detective is given, you know, six burglary cases  
15 a day. That's where we typically saw the late lists.

16 Q As a sergeant, was there any tracking of, you  
17 know, how often detectives were closing cases?

18 MR. BRUEGGEN: Object to form, foundation. Go  
19 ahead.

20 A There was -- the administrative unit took care  
21 of that. But I really have no knowledge of how that  
22 worked or

23 Q So you weren't responsible for tracking it,  
24 but there was some tracking that was occurring of what  
25 percentage of cases, for example, that a detective was

1 closing; is that right?

2 MR. BRUEGGEN: Object to form and foundation.

3 Go ahead.

4 A I don't recall seeing -- are you talking about  
5 like percentages of what they closed or how they closed  
6 them or something?

7 Q Yeah. Any form of tracking about whether or  
8 not -- you know, for each detective, hey, here's how  
9 many cases they're assigned. Here's how many cases  
10 they're closing. Here's how many cases they're not  
11 closing. Is there any that -- of that kind of tracking  
12 that was taking place?

13 A Not that I'm aware of.

14 Q Okay. If you had detectives who were doing --  
15 strike that. Was there any -- was there any assessment  
16 of a detective's performance that was taking place  
17 during the time you were working as a sergeant  
18 overseeing detectives?

19 A No, there was not.

20 Q Was there any assessment of detective's  
21 performance that was taking place while you were working  
22 as a detective -- a violent crimes detective?

23 A If there was, I wasn't aware of it.

24 Q Did you ever receive performance evaluations?

25 A Yes, for a time. But then the department

1 stopped those and I don't remember, like, where in my  
2 career those had stopped.

3 Q Did you ever receive performance evaluations  
4 while you were a detective?

5 A I don't recall. I don't recall if they  
6 stopped those prior to then, or while I was a -- I don't  
7 recall. I do remember getting them, but I couldn't say  
8 whether it was as a patrolman or a detective or -- or  
9 even as a sergeant. It was a long time ago.

10 Q Okay. Were the documentation requirements the  
11 same whether you were in the violent crimes unit or the  
12 robbery unit for a detective?

13 MR. BRUEGGEN: Object to form.

14 MS. ROSEN: Object to form.

15 A Documentation of what?

16 Q Thank you. Sorry about that. That's a poor  
17 question. With regard to documentation of  
18 investigations and investigative steps, was it the same  
19 regardless of whether you were in the robbery unit or  
20 the violent crimes unit?

21 MR. BRUEGGEN: Object to form.

22 A Yeah, I don't know that I can answer that  
23 because I'm not -- I'm not sure. I don't understand the  
24 question. I'm sorry.

25 Q Yeah. So during the time that you were a



1 detective in violent crimes, you had -- it was required  
2 that you create documentation as part of your work as a  
3 homicide investigator, correct?

4 A Well, it's required that you document your  
5 investigative steps, yes.

6 Q Yes. Okay. So one -- so just to be clear,  
7 when you were a homicide detective, when you were a  
8 violent crimes detective, it was required that you  
9 document the investigative steps you took during the  
10 course of the investigation, fair?

11 A Yes. That's correct.

12 Q And that documentation could take the form of  
13 notes and reports, correct?

14 MR. BRUEGGEN: Object to the form. Vague.

15 A Yeah. Yeah -- again, I can't answer that  
16 because notes -- you're saying notes or reports?

17 Q Yeah. That is what I meant. Yeah. So what  
18 I'm -- yeah, let me clarify that. Was it a requirement  
19 that everything you do get into a supplementary report?

20 MR. BRUEGGEN: Object to form. Vague.

21 A Yeah. I don't know that I can answer that.

22 Q Okay. Was there a requirement that, as you're  
23 conducting the investigation, the investigative steps  
24 you take get documented either in a GPR or some notes or  
25 in a report?

MR. BRUEGGEN: Object to form. Vague.

A I'll say yes. Yeah.

Q Okay. In other words, it's not -- there's not a set rule that it's got to be in a particular form in a particular document. The point is, if you're taking the investigative steps, you got to get it documented and it's not as important which particular document it gets into; is that fair?

A Okay.

MR. BRUEGGEN: Object to form.

A Yeah. Okay. I'll get -- I'll say yes.

Q Okay. So the idea being that, as a violent crimes detective, if -- strike that. The idea being that, if someone looks at the homicide investigation, the investigative file, whether it's a sergeant or a prosecutor, they will see all of the investigative steps that were taken by the detectives on the case; is that correct?

MR. BRUEGGEN: Object to form. Incomplete hypothetical and foundation. Go ahead.

A Yes, that's correct.

Q And was that the training that some -- that an investigative file should capture all of the investigative steps taken by the detectives?

MR. BRUEGGEN: Object to form. Go ahead.

1 A Yes.

2 Q And was that your expectation as a supervisor  
3 during the time you were working as a sergeant  
4 overseeing detectives?

5 A Yes, it was.

6 Q And was that your understanding of what the  
7 policy required during the time you were working as a  
8 detective and as a sergeant over detectives?

9 MS. ROSEN: Objection, form.

10 A So I can't speak to policy 30 years ago. So  
11 it -- I wouldn't be able to answer that. I'm sorry.

12 Q Okay. And this idea that you have indicated,  
13 that, you know, documenting the steps that were taken  
14 during the course of an investigation was something that  
15 you were trained on and that was required, there was an  
16 important reason that it was important to document all  
17 of the investigative steps, correct?

18 MR. BRUEGGEN: Object to form. Vague and  
19 misstates his testimony.

20 A Yes. Correct.

21 Q And what were the reasons that it was  
22 important to document all of the investigative steps  
23 taken during an investigation -- homicide investigation,  
24 for example?

25 A Well, it's important to document them because

1 you want to make sure that there's a record of what  
2 you're doing in trying to clear the case.

3 Q Okay. And was it important to document all  
4 the steps that were -- that you were taking as a  
5 homicide detective in order to assist other homicide  
6 investigators who were also participating in the  
7 investigation?

8 A Yes. That could be one of the reasons as  
9 well. Yeah.

10 Q And was it important to document all the steps  
11 you were taking in a homicide investigation, as a  
12 detective, in order to ensure that all of that material  
13 was getting to the prosecutors and criminal defense in  
14 any court case?

15 MR. BRUEGGEN: Object to form. Go ahead.

16 A Yes. That's also another reason for it. Sure.

17 Q And so were you trained on Brady obligations  
18 as a homicide detective?

19 MR. BRUEGGEN: Form.

20 A God, I can't remember. My -- my training was  
21 30 years ago. I can't remember that at all.

22 Q When you were working as a homicide detective,  
23 would it be fair to say you understood that there was  
24 this concept of Brady obligations?

25 MS. ROSEN: Objection, form.

1 A Again, I don't remember from 30 years ago. I'm  
2 sorry, Counsel.

3 Q Did you have an understanding that -- at the  
4 time you were working as a homicide detective that it  
5 was important to ensure that information learned during  
6 the homicide investigation was being turned over to the  
7 prosecutors?

8 MR. BRUEGGEN: Object to form.

9 A Yes.

10 Q And was it your understanding -- what was your  
11 understanding about whether detectives could withhold  
12 information learned during an investigation from  
13 prosecutors?

14 MR. BRUEGGEN: Object to form, vague. Go  
15 ahead.

16 A Yeah. My understanding is obviously you  
17 should never withhold information from the prosecutor.

18 Q So was it your training that detectives were  
19 required to disclose all of the information learned  
20 during the investigation with prosecutors?

21 MR. BRUEGGEN: Objection, form and foundation.  
22 Go ahead.

23 A Yeah. Again, my training was 30 years ago. I  
24 can't say whether we were trained on that or not.

25 Q Was it your understanding that you were

1 required to turn over all of the information you've  
2 learned during the investigation to prosecutors?

3 MR. BRUEGGEN: Objection, form. Asked and  
4 answered. Go ahead.

5 A Yes.

6 Q And was that similarly your expectation when  
7 you became a supervisor?

8 MR. BRUEGGEN: Objection. Asked and answered.  
9 Go ahead.

10 A Yes, it was.

11 Q And what were the tools that you used as a  
12 homicide detective to ensure that you were documenting  
13 all of the information that you had learned during a  
14 homicide investigation?

15 MR. BRUEGGEN: Object to form, vague.

16 A Yeah. Again, that was 30 years ago. I mean,  
17 the tools to document would be supplementary reports and  
18 GPRs.

19 Q Okay. Were you -- strike that. Was it your  
20 understanding, at the time you worked as a homicide  
21 detective, that it was important to write thorough and  
22 accurate reports?

23 A Yes.

24 Q And was it your understanding -- strike that.  
25 Was it your practice as a homicide detective to write

1 thorough and accurate reports?

2 A I certainly did my best. I can't say that  
3 they were always, you know, completely accurate or as  
4 thorough as they should be. But, I mean, you certainly  
5 try your best at the time. Yes.

6 Q And when you wrote reports as a homicide  
7 detective, you knew that you may have to -- strike that.  
8 When you wrote reports as a homicide detective, you knew  
9 that you may have to rely on those reports in testifying  
10 in criminal cases, correct?

11 A That's correct.

12 Q And you did -- as a homicide detective, was it  
13 your practice to rely on your -- to look back at your  
14 reports in preparing yourself to testify at a trial?

15 MR. BRUEGGEN: Object to the form. Foundation.

16 A Yes, it was.

17 Q And was it often the case that you needed  
18 those reports to be able to refresh your memory about  
19 your investigation in order to be able to testify at  
20 trials?

21 A Yes, it was.

22 Q Okay. And so for that reason, did you ensure  
23 that you were writing thorough and accurate reports to  
24 ensure that you could provide truthful testimony at  
25 trials?

1 MR. BRUEGGEN: Objection to form. Go ahead.

2 A Again, you know, you do your best at the time.  
3 You hope that you're as complete and accurate as  
4 possible. Certainly that is always your intention, yes.

5 Q Did you take notes to help you ensure that you  
6 were writing thorough and accurate reports?

7 MR. BRUEGGEN: Objection to form. Incomplete  
8 hypothetical. Go ahead.

9 A Yeah. It really depended on the situation.  
10 Sometimes you would. If it was an interview that  
11 involved some degree of detail, you would take notes. If  
12 it was something that didn't require -- something that  
13 was -- you know, you could just sit down and type out  
14 without having notes. So it really varied. It depended  
15 on the circumstance.

16 Q If it was an interview of somebody that was  
17 providing you with substantive information out in the  
18 field, would you -- was it your practice to typically  
19 take notes?

20 MR. BRUEGGEN: Objection to form. And can you  
21 restate that? It was -- I couldn't catch it because  
22 you were moving some documents. Sorry.

23 BY MR. SWAMINATHAN:

24 Q My apologies. If you were out talking to a  
25 witness and they were providing you with substantive



1 information or details, was it your practice to take  
2 notes of those conversations so that you could type that  
3 up later in your report accurately and thoroughly?

4 MR. BRUEGGEN: Objection. Incomplete  
5 hypothetical. Go ahead.

6 A Again, it depended on the circumstance. It  
7 depended on the degree of information. If it was  
8 something very small, like the offender lives in that  
9 house, you know, I wouldn't. If it was here's a  
10 nickname, then I probably wouldn't take notes because it  
11 doesn't -- there's not a great deal of detail. If  
12 there's a great deal of detail, then I would take notes.  
13 So it really depends on the information.

14 Q Got it. So the more details that were being  
15 provided, you would then -- strike that. If the person  
16 was providing you with significant numbers of details,  
17 you would then take notes. That was your practice?

18 A If it was something beyond my capacity to  
19 remember it accurately, then I would take notes, yes.

20 Q Okay. And in terms of your own practice,  
21 other than, you know, a very basic piece of information,  
22 a nickname, an address, that type of thing, was it your  
23 typical practice to take notes if somebody was actually  
24 telling you substantively, you know, here's what  
25 happened during the course of this crime. Here's what I

1 witnessed. Did you typically take notes of those kinds  
2 of interviews?

3 MR. BRUEGGEN: Objection to form. Vague.

4 Incomplete hypothetical. Go ahead.

5 A Typically, yes. If there was -- if there was  
6 more information than my capacity to remember, then yes,  
7 I would take notes.

8 Q Okay. And it -- (coughs) excuse me. As a  
9 violent crimes detective, it was necessary regularly to  
10 go to the scene of the underlying crimes, correct?

11 A Correct.

12 Q And when you went to the scene of a crime, it  
13 was typical to interview scene witnesses, correct?

14 A That's correct.

15 Q And when you interviewed scene witnesses who  
16 had any information to actually provide about having  
17 seen the actual crime, your -- was it your practice to  
18 try to learn as much as you could from them about what  
19 they had seen?

20 A Yes.

21 Q And when you had individuals who -- you know,  
22 if somebody said, I didn't see it, I didn't hear  
23 anything, my understanding is you wouldn't necessarily  
24 take notes of that conversation, fair?

25 MR. BRUEGGEN: Object to form. Go ahead.

1           A     Fair. I think you would -- you would document  
2 the fact that you spoke to them, and that they didn't  
3 have information. Sometimes that was of value as well,  
4 but yes.

5           Q     Okay. And in fact, the fact that somebody  
6 initially speaks to you and indicates that they don't  
7 have any information is, itself, investigative  
8 information that needs to be documented, either in a GPR  
9 or in a report, correct?

10           MR. BRUEGGEN: Objection. Form. Incomplete  
11 hypothetical. Go ahead.

12           A     That's correct.

13           Q     Okay. In other words, the interview with the  
14 witness is still important -- strike that. That  
15 witness, for example, if a week later they say, oh, I  
16 actually saw the whole thing. Here's this information.  
17 It's important information that they had originally said  
18 they didn't see or hear anything, you agree with that?

19           MR. BRUEGGEN: Object to form. Vague. Go  
20 ahead.

21           A     In that hypothetical, I would say yeah. That  
22 was -- that would be important. Yes.

23           Q     In any event, that would be one reason why you  
24 would document the initial conversation with that  
25 witness, where they indicated they didn't see or hear

1 it, even though that information isn't particularly  
2 valuable to your investigation; is that fair?

3 A That's fair.

4 MR. BRUEGGEN: Object to form.

5 Q All right. So if I understand you correctly,  
6 conversations with -- strike that. Each person that's  
7 interviewed during the course of a homicide  
8 investigation, that's information that would be  
9 documented, correct?

10 MR. BRUEGGEN: Objection. Form. Vague.

11 Incomplete hypothetical.

12 A Yeah. I don't know that I said that. I'm  
13 sorry. Can you repeat it?

14 Q Yeah. Anytime you have a conversation with a  
15 witness about the underlying homicide, that's something  
16 that needed to be documented, correct?

17 MS. ROSEN: Objection. Form.

18 A Yeah. I mean, I don't want to say a blanket  
19 yes. I would say in most cases that's probably  
20 accurate, but I'm sure that there are exceptions to that  
21 as well. So I can't -- I can't agree and say, you know,  
22 with absolute certainty that's basically all the time.

23 Q Was it your practice that conversations with  
24 witnesses about an underlying homicide was something you  
25 documented during the course of your time?

1 MR. BRUEGGEN: Objection. Form. Foundation.

2 Go ahead.

3 A You know, I think there's an issue of  
4 relevance. It really would depend on this -- on this  
5 scenario. So to say a blanket yes, I think, would be  
6 inaccurate. I could say most of the time that's  
7 probably the case, but I do think that there's -- it's  
8 hard to say yes, just to give you a blanket yes on that.

9 Q Understood. And so, maybe a better way for me  
10 to try to understand your testimony is this. You've  
11 indicated that your practice was if you spoke to  
12 somebody, even if they tell you, hey, you know, I'm a  
13 scene witness, but I didn't see or hear anything. That's  
14 something you would document, correct?

15 A Correct.

16 Q Okay. And that was something you were  
17 expected to document, correct?

18 A That's correct.

19 MR. BRUEGGEN: Object to foundation.

20 Q And so, what would be the kind of circumstance  
21 where you would talk to somebody about the underlying  
22 homicide and you wouldn't document it?

23 MR. BRUEGGEN: Objection. Form. Vague.

24 A Yeah. I don't know that I even want to come  
25 up with a hypothetical, because I don't have one off the

1 top of my head. I just -- I don't think I'm comfortable  
2 with a blanket, you know, that you would document  
3 everybody all the time.

4 Q Okay. Got it. So as a general practice --  
5 strike that. As a general matter, your practice was to  
6 document any interviews with witnesses; is that fair?

7 A That's fair.

8 Q Okay. And as a general rule, was it your  
9 practice to document any leads that you developed during  
10 the investigation?

11 A Yes.

12 Q And was it your practice to document any  
13 suspects or persons of interest you identified during  
14 the investigation?

15 A Yes.

16 Q Was it your practice to document any time  
17 photos were shown to witnesses?

18 MR. BRUEGGEN: Objection. Form. Vague.

19 A Yes.

20 Q Okay. If gang books were shown to witnesses,  
21 that was -- that needed to be documented, correct?

22 MR. BRUEGGEN: Objection. Form. Foundation.

23 A Yeah. I don't know that I could answer that.  
24 I never showed gang books to anyone.

25 Q Do you --

A I --

**Q Go ahead.**

A I don't -- no. I wouldn't be able to answer that because I don't know the circumstances of it. And I -- like I said, I've never shown gang books.

**Q Okay. Did you have cases in which gang books were shown to your -- to the witnesses in one of your homicide investigations?**

MR. BRUEGGEN: Object to foundation.

A Yeah. I don't know. If they were, I didn't do it because, again, I didn't show gang books. So I couldn't say with certainty if --

**Q Okay. Putting -- I'm sorry, go ahead. I didn't mean to cut you off. Go ahead.**

A No, I was just going to say I could -- I couldn't say with certainty whether that was or was not done in any of my cases.

**Q Okay. Putting aside gang books for the moment, talking about photos other than gang book photos. Would you document any time photos, like photo arrays, were shown to witnesses?**

A Yeah. Yeah. So the only time I would show photos would be as part of a photo array, and that would be documented. Yes.

**Q Okay. Regardless of whether the photo array**

1 resulted in a positive or negative identification,  
2 correct?

3 A That's correct.

4 Q Okay. And in terms of your documentation of  
5 these various things, conversations with witnesses,  
6 leads, and so on. My understanding is, you know,  
7 whether you documented it in the form of a note before  
8 you put it into a report would just depend on whether it  
9 was something you felt you could remember, you know,  
10 long enough to be able to get it accurately into a  
11 report; is that fair?

12 MR. BRUEGGEN: Object to form. Vague. Go  
13 ahead.

14 A That's fair.

15 Q Okay. And typically if you interviewed a  
16 witness during -- strike that. For example, a scene  
17 witness in -- strike that. Your practice, if you  
18 interviewed scene witnesses after a shooting, if they  
19 were providing you with information about what they saw,  
20 if it was more than just very basic information, was it  
21 your practice to take notes about what they were telling  
22 you?

23 A Yes, it was.

24 MR. BRUEGGEN: Object to form. Asked and  
25 answered. Go ahead.



1 A Yes, it was.

2 Q Okay. And if they provided you with reason to  
3 suspect a particular person as being involved in the  
4 crime, or a particular gang, or something else that  
5 would constitute a lead, was it your practice to take  
6 notes on that information?

7 MR. BRUEGGEN: Objection, form.

8 A Yes, it was.

9 Q If you received information from witnesses  
10 that pointed to or indicated the involvement of a  
11 particular gang, was that the kind of thing you  
12 considered a lead?

13 A Yes. That would be a lead. Sure.

14 Q And what were the kinds of things you could do  
15 with a lead that a particular gang was responsible for a  
16 -- for a homicide.

17 MR. BRUEGGEN: Objection, incomplete  
18 hypothetical and vague. Go ahead.

19 A Yeah, I -- again, we're going back 30 years. I  
20 don't remember what tools were available 30 years ago  
21 for me to follow up on that. So I wouldn't be able to  
22 answer that.

23 Q Fair. And let me just ask a more direct  
24 question. And it was not on cops -- strike that. Would  
25 it be fair to say that there were times, as a detective,

1 when often you might not get a lead as to the particular  
2 person responsible, but you might get a lead about the  
3 particular gang that was involved, fair?

4 A Yes.

5 Q And in those instances, was one tool available  
6 to detective, the use of gang books?

7 A I -- again, I don't know because I didn't use  
8 gang books. I don't know where they were kept. It was  
9 never a resource that I went to.

10 Q Okay. Was it your understanding at that time  
11 that there were gang crimes officers or -- strike that.  
12 Was it your understanding at that time that there were  
13 gang books that were available, even if you, in your own  
14 cases, was choosing not to use them?

15 MS. ROSEN: Objection. Form.

16 MR. BRUEGGEN: Objection to form.

17 A I don't know when the gang books stopped being  
18 in existence, so I don't know if they were still there  
19 when I was a detective or not. I know they were there  
20 when I was in gang crimes, but I don't know like where  
21 they were housed, and I don't know at what point gang  
22 books went away, because they did at some point. So I  
23 really can't answer that.

24 Q As a homicide detective, if gang books were  
25 being shown to witnesses in your homicide investigation,

1 was it your expectation that that information would get  
2 documented in your case?

3 MR. BRUEGGEN: Objection. Form. Incomplete  
4 hypothetical. Go ahead.

5 A Yeah. I mean, it is a hypothetical. I would  
6 say that if someone was showing gang books in a case of  
7 mine, that I would -- I would expect there to be some  
8 sort of documentation and to let me know what was going  
9 on. Typically, as a detective, you didn't -- again, you  
10 didn't want your witnesses interviewed by multiple  
11 police officers. So I would -- you know, I would've  
12 frowned upon that. But again, I don't know -- but if it  
13 occurred, yes, I would expect there to be documentation.

14 MR. BRUEGGEN: Anand, are you getting to a  
15 place where you can take a quick break?

16 MR. SWAMINATHAN: Yeah, yeah, yeah. That's --  
17 why don't we do that right now.

18 MR. BRUEGGEN: All right. Thanks.

19 THE WITNESS: Thanks.

20 MR. SWAMINATHAN: Yeah. Thank you.

21 COURT REPORTER: We're off the record. The  
22 time is 11:22.

23 (OFF THE RECORD)

24 COURT REPORTER: We are back on the record for  
25 the deposition of Anthony Riccio, being conducted by

1 videoconference. My name is Sydney Little. Today  
2 is May 18, 2022, and the time is 11:33 a.m.

3 BY MR. SWAMINATHAN:

4 Q Okay. Just let me wrap up the last few  
5 questions on documentation, and then why don't we -- why  
6 don't we keep moving here. Based on your training --  
7 strike that. Based on your experience as a -- the time  
8 you were a homicide detective, and as a supervisor over  
9 detectives, would you agree that it -- that what is  
10 relevant during the course of a -- course of an  
11 investigation may change over time?

12 A Yes, I would agree with that.

13 Q In other words, information that was sometimes  
14 -- sometimes did not seem important or relevant at one  
15 point may become more important as more information is  
16 learned?

17 A Yes, I would agree.

18 Q And is that one of the reasons that it was  
19 important to document the steps that were taken during  
20 the course of the investigation and the information  
21 learned during the investigation?

22 MR. BRUEGGEN: Objection. Form. Go ahead.

23 A Yes. I would agree with that as well.

24 Q Okay. If I look at a ho -- you know, when I  
25 say if I -- strike that. If someone looks at the

1 investigative file, the overall homicide file for the  
2 investigation, should one see documentation of all the  
3 individuals that were suspects in that investigation?

4 MR. BRUEGGEN: Objection. Incomplete  
5 hypothetical. Vague.

6 A Yes.

7 Q Should one see documentation of all gangs that  
8 were, for example, suspected in the investigation?

9 MS. ROSEN: Object to form.

10 A Yeah. Again, it's hard to say. Each homicide  
11 is very unique. I don't know that, you know, we could  
12 say broadly something like that.

13 Q Fair. Should one see documentation of the  
14 reasons that people were suspects in the investigation?

15 A Yes, they should.

16 Q And should you see documentation of the basis  
17 for arresting any suspects?

18 A Yes, you should.

19 Q And there should be documentation of the basis  
20 for probable cause against any suspects, correct?

21 MR. BRUEGGEN: Objection. Form.

22 A Yes, there should.

23 Q And there should be documentation of the basis  
24 on which charges were sought against that individual,  
25 correct?

1 A Yes, there should.

2 Q And ultimately, there should be documentation  
3 of the investigative steps that were taken to ultimately  
4 secure charges, correct?

5 MR. BRUEGGEN: Objection. Asked and answered.  
6 Go ahead.

7 A Yes, that's accurate.

8 Q And there should be documentation of any  
9 information that was learned during the investigation  
10 that might not point at the person who is ultimately  
11 charged, correct?

12 MR. BRUEGGEN: Objection. Anand, can you  
13 restate that? When you're moving the computer, I  
14 lose words here or there. So I'm not getting the  
15 whole context of the question.

16 BY MR. SWAMINATHAN:

17 Q My apologies. Let me say it again. And there  
18 should be documentation of any information that does not  
19 point at the suspect, or the person who was ultimately  
20 charged, that was learned during the investigation,  
21 correct?

22 A When that information exists in cases. There  
23 are cases where it doesn't, but there are cases where it  
24 does. In cases where it does, yes, it should be --  
25 should be contained in that file.

1 Q Got it. In other words, if there's in -- not  
2 only should all the information that inculpateds the  
3 person should be documented, but also any information  
4 that might exculpate the potential -- the suspect or the  
5 person charged should also be documented, correct?

6 A Correct. When that information exists, it  
7 should be documented, yes.

8 Q Okay. And would you agree that any  
9 information about alternate suspects is the kind of  
10 potentially exculpatory information that should be  
11 documented?

12 A Yes. I would agree. When that information  
13 exists, that it should be documented, yes.

14 Q And when any -- and when any information  
15 exists about alternate suspects, that should be  
16 documented as potentially exculpatory information for if  
17 a different person is charged, correct?

18 MR. BRUEGGEN: Objection, form. Go ahead.

19 A Yes, that's correct.

20 Q And if, in an investigation, you have  
21 information pointing to a different gang than the per --  
22 than the gang affiliation of the person who was charged,  
23 that's information that should be documented as  
24 potentially exculpatory, correct?

25 MR. BRUEGGEN: Objection. Form. Vague.

A Yeah, I'm sorry. Can you repeat that one?

Q Yes. If you have a -- maybe I'm -- that's an overly wordy question. Let me try to say it more clearly. If, in an investigation, you have information pointing to the involvement of a particular gang, but the person who's charged is a member of a different gang, that's potentially exculpatory information that needs to be documented, correct?

MR. BRUEGGEN: Objection. Form. Vague.

A Yes. That should be. That should be documented.

Q Okay. And during your work as a homicide investigator, that is the type of information you would've documented, correct?

MR. BRUEGGEN: Objection. Form.

A That would've been my personal practice, yes.

Q Okay. Going back to your background. We made it to your time as a sergeant supervising detectives. And then you became a lieutenant in and around 1998, correct?

A That's correct.

Q Okay. And when you became a lieutenant, what districts or units did you work in?

A I was in patrol for quite a while. And again, the years are kind of fuzzy. I was in the 25th



1 District, the 15th District, and then I was transferred  
2 into Area 3 detectives somewhere around 2005, maybe  
3 2006.

4 Q Okay. So until you became an Area 3  
5 lieutenant overseeing detectives, you were overseeing  
6 patrol officers, correct?

7 A That's correct.

8 Q And as a lieutenant overseeing patrol, did  
9 that include any units like gang crimes officers, or was  
10 it exclusively, you know, patrol officers?

11 A It was exclusively patrol officers assigned to  
12 the watch that I would've been assigned to.

13 Q Okay. Okay. And then you became an area --  
14 strike that. You said around 19 -- strike that. You  
15 said that around 2005, you became a lieutenant  
16 overseeing Area 3 detectives; is that correct?

17 A That's correct.

18 Q And were there particular units within the  
19 detective division who you were overseeing?

20 A I was overseeing Area 3 violent crimes.

21 Q Okay. So what was the period of time that you  
22 were overseeing Area 3 violent crimes detectives?

23 A Again, I'm not sure about the -- exactly when.  
24 2005, maybe 2006 until 2008.

25 Q Okay. When you -- which is when you became a

1 **commander, correct?**

2 A Correct.

3 Q Okay. So during your time as a lieutenant  
4 overseeing Area 3 violent crimes detectives, give me a  
5 sort of overall description of what that job entailed.

6 MR. BRUEGGEN: Object to form. Vague. Go  
7 ahead.

8 A It's primarily administrative. You know,  
9 you're looking at manpower, you're looking at, you know,  
10 making sure that you have adequate coverage on each day.  
11 There's a lot of meetings that you have to attend. So  
12 it's primarily an administrative function to oversee the  
13 operation of the unit you monitor over time. You make  
14 -- you try to make sure that the right people are in the  
15 right places. You know, their talents are being  
16 utilized as well as possible.

17 Q Okay. Would you have any day-to-day  
18 involvement in homicide investigations at all as a  
19 lieutenant?

20 A No. I mean, occasionally, if there was some  
21 sort of an important -- well, they're all important -- a  
22 heater, maybe something that the media took a lot of  
23 interest in, you would go to the scene and, you know,  
24 just kind of get briefed up as much as possible on the  
25 case. I mean, I think basically you wanted to know as

1 much about the case as needed to answer questions from  
2 above. So you didn't get into the details of the case,  
3 but, you know, the broader facts of the case and stuff  
4 you would want to know on particular cases on those  
5 heater cases.

6 Q What was the type of, you know, paperwork or  
7 administrative material that was coming to you, as a  
8 lieutenant, either from sergeants or homicide  
9 detectives?

10 A I don't remember there being a lot of  
11 paperwork coming to me as a lieutenant from the bottom  
12 up. It was more from the top down. And again, it was  
13 more administrative type things. You didn't do, you  
14 know, a lot of reviewing of cases. Those were all  
15 approved at the sergeant level. So it was -- again, it  
16 was primarily like administrative things coming from the  
17 top down.

18 Q Okay. To what extent, as a lieutenant, did  
19 you have involvement in training of homicide detectives?

20 A None.

21 Q But back when you were a sergeant supervising  
22 robbery detectives, what was your -- what was your  
23 involvement in training?

24 A There was no training component.

25 Q Okay. So where -- what was the -- where was

1 the training coming from for homicide detectives during  
2 the time you were a sergeant and lieutenant if it wasn't  
3 coming from the supervisors?

4 A The training would come from other seasoned  
5 detectives primarily. I mean, they were trained in the  
6 academy, when they were promoted, and then the training  
7 would come from, you know, other -- putting them with  
8 other, more seasoned detectives.

9 Q Okay. When you were working as a detective,  
10 was there anybody who you considered sort of the  
11 seasoned detective who trained you?

12 A I -- when I -- when I first -- well, I was an  
13 auto theft detective, so I worked with -- and I couldn't  
14 tell you who -- more seasoned auto theft detectives.  
15 When I came to Area 5, I don't really recall who I  
16 worked with that kind of took me under their wing and  
17 trained me a little bit. I think I kind of bounced  
18 around a lot. So nobody in particular, I would have to  
19 say.

20 Q As a lieutenant, were you -- as a lieutenant  
21 overseeing violent crimes detectives at Area 3, was  
22 there any form of tracking that you were engaged in  
23 terms of how each detective was doing in terms of open  
24 -- closing cases?

25 MR. BRUEGGEN: Objection. Form. Vague. Go

1 ahead.

2 A I don't recall any kind of tracking with that,  
3 no.

4 Q Were there any tools available to you, either  
5 when you were a sergeant or as a lieutenant, to be able  
6 to incentivize those detectives who were doing a better  
7 job in terms of -- or performing better in terms of  
8 closing cases?

9 MR. BRUEGGEN: Objection. Form. Vague.

10 A No, I don't -- I don't think there was  
11 anything to incentivize them. You know, pretty much, as  
12 a police department, there really is nothing that you  
13 can do to incentivize them other than maybe accommodate  
14 them when they wanted a day off or, you know, giving the  
15 new car, when it came in, to the better detectives. But  
16 as far as like any other sort of incentives, there  
17 really was nothing you could do for them.

18 Q What about merit promotions?

19 A Merit promotions were considered by the  
20 commanders. So as a lieutenant, you really played no  
21 role in it. I mean, if maybe the commander asked for  
22 your input. But typically the commander got one or two  
23 picks and they pretty much knew who the people were that  
24 were doing the job, or who they wanted to submit for  
25 their merit choices. So you really didn't play a role

1 in that at all as a lieutenant.

2 Q And in terms of the merit promotion process,  
3 was that -- were merit promotion something that applied  
4 all the way up through the chain, or was it just  
5 something that applied, you know, to move from patrol to  
6 detective, or from detective to sergeant, or did it  
7 apply throughout the chain?

8 MR. BRUEGGEN: Objection. Form and foundation.

9 A Yeah. So there's merit promotions to the rank  
10 of detective. There's merit promotions to the rank of  
11 sergeant. There's merit promotions to the rank of  
12 lieutenant. And then I guess it's merit promotions to  
13 the rank of captain as well. There's -- it's a  
14 different process for captains. But for those -- for  
15 those three ranks, there are merit promotions.  
16 Detective, sergeant, and lieutenant. The captain's  
17 process is completely different. But those three ranks,  
18 yes, there was merit.

19 Q And then after that, there's no merits  
20 promotions once you get above the level of lieutenants,  
21 putting aside the unique process for captain; is that  
22 right?

23 A Right. Yeah. The captain's process, you  
24 apply. So if you're a lieutenant and you want to be a  
25 captain, you go through an application procedure, and

1 then ultimately the superintendent decides who he wants  
2 to make. Above captain, it's all exempt. It's strictly  
3 selected by the superintendent.

4 Q Got it. Okay. What about -- so okay. In  
5 terms of the ability to reward those detectives who seem  
6 to be doing -- you know, working the hardest or doing  
7 the best job closing cases, other than, you know, the  
8 rare instance of a merits promotion, were there any  
9 other tools available to you as a lieutenant?

10 A No, there really -- there really wasn't. You  
11 know, other than like, you know, give them special  
12 consideration if they want the 4th of July off or, you  
13 know, last minute notice because it's their kid's  
14 birthday or something. But there was really no --  
15 nothing that you had at your -- available to incentivize  
16 or reward anybody who's doing a particularly good job or  
17 working hard for you.

18 Q What about overtime?

19 MR. BRUEGGEN: Objection. Form.

20 A Overtime was what it was. I mean, if a -- if  
21 a detective was working on a case that ran beyond their  
22 shift, which was extremely common, then they would  
23 report to the on-duty sergeant, which was typically the  
24 following watch. They would report to the on-duty  
25 sergeant, say hey, Sarge, I got this going or that

1 going. I'd like to work overtime. It was up to the  
2 sergeant. You know, overtime in the detective division  
3 is kind of abundant, really. It's a necessary  
4 abundance, I guess. But that was -- there were times  
5 when sergeants said no and there were times when  
6 sergeants said yes.

7 Q Was that -- was the -- was overtime something  
8 that was -- well, strike that. Was it one of your  
9 administrative roles as a lieutenant, was it also to  
10 keep track of the amount of overtime and sort of try to  
11 make efforts to limit the amount of overtime at all?

12 MR. BRUEGGEN: Objection. Form. Vague.

13 A It -- you -- you know, you received a report,  
14 and it was usually like a month versus month. So this  
15 March versus last March, you're up. And then, you know,  
16 typically I would have a talk with the sergeants and  
17 say, hey guys, tighten the belt a little bit. You know,  
18 we're spending money that's not in the budget. We got  
19 to -- we got to tighten the belt a little bit and slow  
20 it down. There were -- there were some bosses who were  
21 real sticklers about it, and there were other bosses  
22 that were more lenient about it. So it really kind of  
23 varied. And it -- and it also changed with time. There  
24 were times when overtime was like a lockdown. There was  
25 other times when the department seemed a little bit more



1     lax about overtime.

2           Q     Okay. So from a -- from the perspective of  
3     detectives, in terms of overtime, my understanding is  
4     basically if your investigation required you to continue  
5     on past your shift, you'd earn overtime for that; is  
6     that right?

7           A     Yes. You would earn overtime for it, yes.

8           Q     And the sergeant would have to approve that,  
9     correct?

10          A     Correct.

11          Q     And what about going to court? Would that be  
12     a source of overtime?

13          A     Yeah. Court was -- again, that was something  
14     that we always felt that we didn't have a lot of control  
15     over because you get a subpoena, the department can't  
16     say, ignore that subpoena and don't show up because our  
17     overtime is too high. So that was one component of  
18     overtime that we really -- you know, I hate to say it,  
19     but we just -- we really didn't have the ability to  
20     control it because we didn't have the ability to say,  
21     ignore a subpoena from the court.

22          Q     And you anticipated my question. So when --  
23     even when there were lockdowns in terms -- or, you know,  
24     strike that. Even when there were efforts to limit  
25     overtime, that did not apply to when detectives would go

1 to court to testify, correct?

2 A That's correct. There was an effort at one  
3 point, I remember, where the department wanted a call to  
4 the state's attorney who issued the subpoena to say hey,  
5 you know, you subpoenaed four detectives on this. Do  
6 you really need all four? How long are you going to  
7 need them for? It had limited, if any, success. So I  
8 think there was kind of a feeling like, yeah, we really  
9 don't have the ability to control -- and the state's  
10 attorneys would -- you know, sometimes they would say  
11 yeah, we can cut it down to two guys. But for the most  
12 part, they subpoenaed who they needed and we really  
13 didn't have the ability to control that, versus  
14 extension of tour, which we did have the ability to  
15 control.

16 Q Okay. And so, if a detective -- if I  
17 understand correctly, if the detective worked afternoons  
18 or midnights, they would get overtime when they went to  
19 court, correct?

20 A Well, I mean, even day detectives would get  
21 overtime for going to court if it occurred on their days  
22 off. So it just -- if you were off-duty during those  
23 court hours, whether you were on vacation, or whether it  
24 was your day off, or you were working afternoons or  
25 midnights, as long as you were off duty during the time

1 of the court's subpoena, then you would be given  
2 overtime.

3 Q Okay. But for days, it would have to be  
4 because if was your day off. Otherwise, if you went to  
5 court on a day that you were on, you wouldn't get  
6 overtime for that if you were on days?

7 A That's correct.

8 Q But if you were on afternoons or midnights,  
9 you were always going to get overtime for going to  
10 court, correct?

11 A That's correct.

12 Q Okay. And so, if you had detectives who  
13 closed more cases, would they get more overtime,  
14 specifically if they worked on afternoons or midnights?

15 A If --

16 MR. BRUEGGEN: Objection. Form. Incomplete  
17 hypothetical. Go ahead.

18 A Yeah. So just closing a case doesn't  
19 necessarily correlate to court appearances. So it would  
20 have to be closing a case that's going to trial that the  
21 state's attorney believes your presence is needed for.  
22 So just the mere fact that you've closed a case doesn't  
23 necessarily correlate to a court appearance.

24 Q And that's in part because, if I'm -- maybe --  
25 I think what I'm misunderstanding is, closing a case

1 doesn't necessarily mean you closed it with charges  
2 being approved with criminal prosecution, right?

3 A That's correct. But even cases that were  
4 closed with prosecution didn't always translate into a  
5 court appearance as well.

6 Q For violent crimes cases where the case was  
7 closed with charges and prosecution, would those  
8 detectives who closed more cases successfully have the  
9 opportunity for more overtime?

10 A Again, not necessarily. Some of the -- you  
11 would get guys that would plead guilty and there was no  
12 court involved at all. There were -- there were cases  
13 that detectives were on where -- based on the facts of  
14 the case or the way the reports were written, that  
15 weren't required to make an appearance in court. So I  
16 don't know that -- necessarily that making a lot of  
17 arrests or getting a lot of cases charged always  
18 translated into a court appearance.

19 Q Okay. In terms of -- well, strike that. Let's  
20 move on for now. As a -- you became a commander in  
21 2008. What was your -- what groups or units were you  
22 overseeing as a commander?

23 A So for about the first year, year-and-a-half,  
24 I was patrol. I was a 16th District. And then after  
25 that, I was transferred back into the detective division

1 to Area 4 detective division. And I was there until the  
2 department did a consolidation of areas. They went from  
3 five areas to three areas. I couldn't tell you when.  
4 Maybe around 2011, and I'm just guessing. At that time,  
5 I went from Area 4, which closed, to Area Central as the  
6 commander. So they moved me from 4 to Central.

7 Q Okay. And then how long did you stay in that  
8 -- so it was around 2010, if I -- if my math is right,  
9 that you became a commander overseeing the detective  
10 division at Area 4, correct?

11 A 2009, 2010. Yeah, I don't -- I don't remember  
12 exactly when.

13 Q Okay. And then what was the point -- I know  
14 -- I understand that the -- there was a consolidation,  
15 but at what point did you stop overseeing detective  
16 division as a commander?

17 A In 2013, I was promoted to deputy chief of  
18 detectives.

19 Q Okay. All right. So you remained the  
20 commander overseeing detective division areas in the  
21 period from 2009 or 2010 through 2013 when you became  
22 deputy chief, correct?

23 A That's correct.

24 Q And in what way was your position as the  
25 commander overseeing a detective division different than

1 your role as a lieutenant in that function earlier in  
2 your career?

3 A It's a much broader area of responsibility.  
4 You're in charge of filing crimes -- excuse me, property  
5 crimes, special victims. You're in charge of all the  
6 civilians. There's a -- it's a -- it's very wide  
7 ranging, really.

8 Q And then who did you report to in that  
9 position as commander?

10 A I reported to the deputy chief of detectives.  
11 At the time it was a guy named Dean Andrews.

12 Q And then the deputy chief of detectives  
13 reported to the chief of detectives, correct?

14 A That's correct.

15 Q Okay. All right. So during the period of  
16 time that you were a commander overseeing first  
17 detective division Area 4, and then Area Central, you  
18 were seeing -- you were overseeing all of the detective  
19 units within that division, correct?

20 A That's correct.

21 Q Okay. And that would include violent crimes  
22 throughout that period of 2009 through 2013, correct?

23 A That's correct.

24 Q Between the time that you had been in the  
25 function of a detective in 19 -- you know, 1991 through

1 1994 -- oh, sorry, 1990 to 1994. So let's actually  
2 narrow that down. From the time you were working as a  
3 violent crimes detective in the period from 1991 to '94,  
4 to the time that you're now a commander overseeing  
5 detective division areas from approximately 2010 to  
6 2013, what changes took place in terms of the day-to-day  
7 practice of conducting investigations based on your  
8 experience?

9 MR. BRUEGGEN: Objection, form.

10 MS. ROSEN: Objection. Form, foundation.

11 A Yeah. I couldn't even guess. I don't recall.  
12 I mean, I'm certain at the time, I knew, but I couldn't  
13 even guess at that.

14 Q Were there any different rules in terms of the  
15 documentation requirements from the time that you were  
16 practicing as a detective to the time you were  
17 overseeing these detective division areas, as far as  
18 you're aware?

19 MS. ROSEN: Objection. Form, foundation.

20 A Yeah. Again, I could not recall if there were  
21 or not.

22 Q Okay. So sitting here today, you don't recall  
23 any specific things that detectives were required to do  
24 differently in terms of documentation when you came back  
25 in the commander role; is that fair?

1 MS. ROSEN: Objection. Form, foundation.

2 A Yeah, I don't recall at all.

3 Q Okay. So -- and let me do it this way. From  
4 the time you were working as a detective -- strike that.  
5 From the time you were working as a detective to the  
6 time when you came back in a sergeant's capacity  
7 overseeing detectives, do you recall any differences in  
8 the documentation requirements of detectives?

9 MR. BRUEGGEN: Objection, form.

10 MS. ROSEN: Objection. Form, foundation.

11 A No. That -- again, that was 30 years ago. I  
12 don't recall what changes or if there were any changes.  
13 I don't recall.

14 Q Was there any point in time when you -- strike  
15 that. You know, I asked you a bunch of questions about  
16 what were the kinds of things that needed to be  
17 documented during the course of a homicide  
18 investigation, and we went through those answers. We're  
19 not -- we won't go through them again, but was there any  
20 point when you would say, in one of my supervisory  
21 roles, whether as a sergeant or lieutenant or commander,  
22 that the answer would change to those questions about  
23 the kinds of things that needed to be documented by  
24 detectives?

25 MR. BRUEGGEN: Objection. Form, vague.



1 MS. ROSEN: Form, foundation.

2 A Yeah. Again, I don't -- I don't -- no. I  
3 don't recall that. That's --

4 Q Okay. From the time that you had been a  
5 detective yourself to the time you were a lieutenant  
6 overseeing detectives, can you recall any example of  
7 anything that changed about the documentation  
8 requirement of detectives?

9 MR. BRUEGGEN: Objection, form.

10 MS. ROSEN: Objection. Form, foundation.

11 A Again, I don't remember.

12 Q And the last question. From the time that you  
13 were a detective yourself to the time you became a  
14 commander overseeing detectives, do you recall any  
15 instances of -- or examples of changes to the  
16 documentation requirements that applied to detectives?

17 MR. BRUEGGEN: Objection, form.

18 MS. ROSEN: Objection, form.

19 MR. BRUEGGEN: Asked and answered.

20 MS. ROSEN: Foundation.

21 A Yeah. There -- there may have been. But  
22 again, I don't recall.

23 BY MR. SWAMINATHAN:

24 Q And when you say there may have been, can you  
25 think of any examples or instances of any changes?

1 MR. BRUEGGEN: Objection. Asked and answered,  
2 foundation.

3 A No, I cannot.

4 Q Okay. When you -- and you said that in 2013,  
5 you became a deputy chief -- oh, strike that. When you  
6 were working as a commander overseeing detectives at  
7 Area 4, did you have a detective named Kriston Kato  
8 working under you?

9 A No. I believe Kato -- I don't know. I don't  
10 recall. I know Kato left at some point. I don't recall  
11 if he was gone when I got there. I want to say he -- he  
12 may have been gone. I don't recall.

13 Q So it sounds like you're aware of who Kriston  
14 Kato is?

15 A Yes.

16 Q Why are you aware of him?

17 A Kriston Kato worked for the fraternal order of  
18 police after he retired, and I would see him at  
19 different events and functions and things of that  
20 nature.

21 Q Did you -- what role, if any, have you ever  
22 had with the FOP?

23 A What role have I had with the FOP?

24 Q Yeah.

25 A None.

1 Q Okay. Just attending various events is when  
2 you see him?

3 A He would attend them on behalf of the FOP  
4 sometimes. I believe he was also part of their shooting  
5 team. So I would see him at -- at shooting -- police  
6 shooting events. But yeah, no. Beyond that, I really  
7 don't know if he --

8 Q I'm sorry, go ahead.

9 A No. I was going to say, I don't know if he  
10 was still in Area 4 when I got there, or if he had  
11 already been gone. I want to say he might have been  
12 gone already. I don't remember ever supervising him.

13 Q Is there any point in which you became aware  
14 of a number of allegations of abuse or misconduct  
15 against Mr. Kato?

16 A No.

17 Q Is there any point during your time as a --  
18 in, you know, moving up as a commander, as a chief, and  
19 so on -- in higher positions in the Chicago Police  
20 Department when you learned of allegations of misconduct  
21 against Kriston Kato?

22 MS. ROSEN: I have an objection to this line of  
23 questioning related to Kato. It has nothing to do  
24 with the Guevara cases. And, you know, we've -- I  
25 haven't said anything up to now, but it feels like

1       you're doing discovery for different cases. And  
2       stating as an objection to that because the City's  
3       lawyers in the other cases are not present.

4 BY MR. SWAMINATHAN:

5       Q     You can go ahead. Mr. Riccio, you can go  
6 ahead.

7       A     I'm sorry, what was the question?

8       Q     Yeah, I'll repeat it and we'll have the same  
9 objection. And why don't we just do this for the  
10 record? I think Ms. Rosen may have some objections to  
11 some of my questions about other officers who are not  
12 Rey Guevara related officers during this deposition.  
13 I'll note that. From our perspective, we have a  
14 different position which is that this is a case that  
15 involves allegations of abuse. And so, we think  
16 allegations of abuse beyond just Mr. Guevara are  
17 relevant to our case. And so, we have a different view  
18 than Ms. Rosen, but certainly I appreciate Ms. Rosen's  
19 position is different than ours. And you can have a  
20 standing objection related to all of those types of  
21 questions to the extent -- to the extent I'm asking  
22 them. So I will repeat my question and then we can --  
23 we can keep going.

24       MR. BRUEGGEN: Anand, did you say you -- this  
25 is a case of abuse?

1 MR. SWAMINATHAN: This is a case that does  
2 involve allegations of abuse against Francisco  
3 Vicente. So there are allegations of abuse against  
4 individuals in this case.

5 MS. ROSEN: Can I -- just to clarify just for a  
6 second, I appreciate the standing objection so we  
7 can get through it. But is it your intention to go  
8 through a series of other cases and other officers  
9 during this deposition? And how much time do you  
10 think you're going to spend doing that, because I  
11 may have a different view in terms of accepting the  
12 standing objection and perhaps resolving it in a  
13 different way, so

14 MR. SWAMINATHAN: To the extent I have  
15 questions about others, it's going to be -- I  
16 suspect it's going to be in the context of my  
17 various lines of questioning. I don't have a whole  
18 -- I don't have an hour planned to ask about a bunch  
19 of other instances of abuse involving a bunch of  
20 other officers at that -- to the extent that you're  
21 asking me.

22 MS. ROSEN: Yeah. Okay. Thank you.

23 BY MR. SWAMINATHAN:

24 Q Okay. Okay. So I think the question that  
25 I'll ask again, and Eileen's objection will apply, is,

1 is there any point during your time as an exempt -- I'm  
2 confused. When you get higher up, you become exempt or  
3 you become non-exempt? Remind me.

4 A You become exempt.

5 Q You become exempt. Yeah. Okay. All right.  
6 So during the time that you were in a position within  
7 the Chicago Police Department as an exempt employee, did  
8 you ever learn of allegations of abuse or misconduct  
9 against Kriston Kato?

10 MR. BRUEGGEN: Object to form. Go ahead.

11 A No, I did not.

12 Q During the time that you worked as a  
13 supervisor overseeing Area -- strike that. During the  
14 time you were supervising the detective divisions,  
15 either as a sergeant or lieutenant or as a commander,  
16 did you ever have any command authority or supervisory  
17 role over Mr. Boudreau?

18 MR. BRUEGGEN: Objection to foundation. Go  
19 ahead.

20 A I'll say no. But I don't know who that is, so  
21 I can't say conclusively that I didn't.

22 Q Okay. All right. When you became deputy  
23 chief -- strike that. As a commander overseeing  
24 detectives, did you have any responsibility for writing  
25 policies?

1 MR. BRUEGGEN: Objection. Form, vague.

2 A Very limited. You know, you could set your  
3 own policy on, for example, how to get approval for  
4 overtime. You could set different policies within your  
5 unit that were applicable to your unit. But the broader  
6 Bureau of Detective policies or anything that conflicts  
7 with department policies, no.

8 Q Okay. Did you -- at any point in time when  
9 you were overseeing -- when you were in supervisory  
10 capacities in any of the detective divisions, did you  
11 have any involvement in writing or modifying any of the  
12 general orders or special orders that applied to  
13 detectives?

14 MR. BRUEGGEN: Objection. Form, vague.

15 A As a deputy chief, I was given orders that  
16 were being rewritten, and maybe even as a commander, to  
17 review as part of -- I forgot what they call it.  
18 Staffing. They called it staffing. So they would -- if  
19 there was a new order coming out, they would send it to  
20 the exempts within the bureau for staffing suggestions  
21 like, hey, this is a bad idea, or oh, this is a good  
22 idea. Let's change this a little, let's change that a  
23 little. So that was a common practice. Even when the  
24 department would change orders, they would send those  
25 orders out for that staffing. But that was it.

1 Q During the entire time that you were either a  
2 detective or a supervisor overseeing detectives, are you  
3 aware of any different policies that applied in terms of  
4 documentation requirements between the different  
5 detective areas in which you worked?

6 MR. BRUEGGEN: Objection. Form, vague.

7 A Again, I'm so removed from that. I wouldn't  
8 be able to say if -- at the time, yes, or at the time,  
9 no. So it's just -- I don't recall.

10 Q Are you aware of any general -- strike that.  
11 Are you aware of any special orders that applied to  
12 detectives that applied only to detectives from  
13 particular areas?

14 MR. BRUEGGEN: Objection. Form, vague.

15 A Well, policies that were set in-house by the  
16 commanders of those areas would apply specifically to  
17 the personnel in those areas. Some were, you know, when  
18 you can take your lunch or what room roll call was going  
19 to be held in, but they were only binding on the  
20 individuals within that area. And again, it couldn't be  
21 anything that conflicted with the broader detective  
22 division rules or the broader department rules. So  
23 typically, they were more of housekeeping type things.

24 Q Got it. I think you went right where my mind  
25 was, so let me ask it maybe a better way. The detective



1 division special orders were formal sets of policies and  
2 requirements that applied to the detective division,  
3 correct?

4 A That's correct.

5 Q And those detective division special orders  
6 applied to all of the areas, correct?

7 A Unless the order itself was specifically  
8 geared at violent crimes or auto theft or whatever. But  
9 they were broader -- intended to apply, for the most  
10 part, to all detectives, yes.

11 Q Okay. Thank you. And that's a useful  
12 clarification. So let me ask a better question. The  
13 detective division special orders that applied to  
14 violent crimes detectives applied to violent crime  
15 detectives in all of the areas, correct?

16 A Typically, unless there was a carve-out for  
17 some reason that was for a special area, yes. But  
18 typically, unless it had an exemption in it or it had a  
19 carve-out for someone, then they applied to everyone.  
20 Yes.

21 Q Okay. And some of the kind of housekeeping  
22 type of policies that a commander could have, those are  
23 not things that are captured in the detective division's  
24 special orders, fair?

25 A Fair.

1 Q Okay. So before we come to those kind of  
2 housekeeping pieces, sticking with the detective  
3 division special orders, are you aware of any detective  
4 division special orders that had carve-outs for specific  
5 areas?

6 MR. BRUEGGEN: Object to foundation. Go ahead.

7 A Again, I'm so removed from it, I don't recall  
8 if that was the case or not. I believe there were some.  
9 But again, that was so long ago I couldn't say it with  
10 certainty.

11 Q Okay. And so, unless there was a carve-out  
12 written right into the detective division special order,  
13 the special order would otherwise apply to all of the  
14 violent crimes detectives across all areas, correct?

15 A That's correct.

16 Q And then in terms of some of the policies that  
17 could be set by the commander at that level, I think you  
18 indicated that those were usually what you called  
19 housekeeping types of issues, correct?

20 A For the most part, they were housekeeping  
21 issues, yes.

22 Q Okay. And so, an example of the kind of  
23 housekeeping issue you're describing is when you can  
24 take lunch or, you know, when you can clock in or clock  
25 out, those kinds of things?

1           A     Right, exactly. Where roll call is going to  
2 be held, can't have lunch in the interview rooms  
3 anymore. Yeah, things of that nature. Housekeeping,  
4 yeah.

5           Q     Okay. Not -- are you aware of any of the kind  
6 of commander-level housekeeping policies that applied to  
7 how a detective goes about conducting homicide  
8 investigations?

9           MR. BRUEGGEN: Object to form, vague.

10          A     Yeah. I am not aware of any of those.

11          Q     Are you aware of any commander-level  
12 housekeeping policies that apply to the documentation  
13 requirements that apply to homicide detectives?

14          MR. BRUEGGEN: Objection, form.

15          A     I'll -- I'll say I'm not aware of them. But  
16 I'm going to, you know, throw a caveat in there that,  
17 again, this -- I am so far removed from -- from that,  
18 that I don't -- I can't say with any kind of certainty.

19          Q     During the time you were a commander, did you  
20 ever set any commander-level policies on housekeeping  
21 issues that applied to -- that set your own  
22 documentation standards for -- for your detectives in  
23 your area?

24          MR. BRUEGGEN: Object to form.

25          A     Again, I'll say no with the caveat that I am

1 really removed from it and I can't say with absolute  
2 certainty.

3 Q Did you -- do you recall any commander-level  
4 housekeeping issues that were ever set -- strike that.  
5 Do you remember any commander-level housekeeping  
6 policies that were ever set about how detectives go  
7 about conducting their interviews of witnesses?

8 MR. BRUEGGEN: Objection. Form, foundation.

9 A I'll have to say -- give the same answer. I'm  
10 not, as I sit here. But again, I'm years removed from  
11 it. So I couldn't say with certainty.

12 Q Okay. And would it be fair to say that your  
13 experience is that to the extent there were commander-  
14 level policies that were set, things like overall  
15 documentation practices or interview practices for  
16 witnesses is not the type of housekeeping stuff that was  
17 the typical subject of commander-level policies; is that  
18 fair?

19 MS. ROSEN: Objection. Form, foundation.

20 A Again, I'll -- I'll say that's accurate with  
21 the caveat that I am far removed from -- from that, so I  
22 could not say with certainty.

23 Q And to the extent there were commander-level  
24 policies set in any detective area, those commander-  
25 level policies could not be contradictory to the special

1 orders or detective -- or general orders; is that  
2 correct?

3 MS. ROSEN: Objection, form.

4 A Yes. That is accurate, yes.

5 Q So in other words, they couldn't -- a  
6 commander-level policy could not change the requirements  
7 set in detective division special orders, correct?

8 A Yes. That's accurate.

9 Q Any commander-level policies that are set  
10 could not change the requirements set in any general  
11 orders, correct?

12 A Yes. That's also accurate.

13 MS. ROSEN: I'm going to -- sorry to interrupt,  
14 but I just want to note for the record that you've  
15 been asking a lot of questions related to the  
16 witness' experiences as a commander and above, and  
17 he didn't become a commander until 15 or 20 years  
18 after the events of this lawsuit. And so, the  
19 relevance of this line of questioning is tenuous at  
20 best. And so, the City is objecting that we are  
21 spending all this time on these types of questions  
22 that are not really relevant to or proportional to  
23 the claims in this case, even considering the Monell  
24 claims, because you're talking about his experiences  
25 ten, 15, 20-plus years later.

1 BY MR. SWAMINATHAN:

2 Q Okay. All right. So let's move on to your  
3 time as a deputy chief. Which units or department did  
4 you have responsibility over as deputy chief?

5 A So I was deputy chief of detectives, which put  
6 me in charge of everything in the detective division,  
7 you know, absent the chief.

8 Q And how long were you in that role?

9 A From 2013 until 2015.

10 Q And then at that point you became a chief in  
11 overseeing what unit?

12 A The Bureau of Organized Crime.

13 Q And if I understand correctly, that is a  
14 different bureau than the Bureau of Detectives, correct?

15 A That's correct.

16 Q Okay. So at that point when you became a  
17 chief, you were not overseeing detectives any longer,  
18 correct?

19 A That's correct. There were a few detectives  
20 who worked in the Bureau of Organized Crime in different  
21 units. But as a whole, no, there was no -- there were  
22 very few detectives. Maybe a handful.

23 Q And what were the types of officers that  
24 worked in the Bureau of Organized Crime?

25 A What do you -- what do you mean by what type

1 of officers?

2 Q Yeah. In other words, was it gang crimes  
3 officers? Was it patrol officers? Was it detectives?  
4 Was it bomb and arson? You know, who were the types of  
5 -- essentially, line-level or -- well, strike that. Who  
6 -- what was -- who were -- what were the titles of the  
7 types of, you know, non-supervisory staff that worked in  
8 the Bureau of Organized Crime?

9 MR. BRUEGGEN: Objection, form.

10 MS. ROSEN: Objection, relevance.

11 A They were just patrol officers, like I said,  
12 other than the exception of maybe a handful, like  
13 half-a-dozen detectives.

14 Q And then when you -- and then you were in that  
15 position until 2017 when you became the first deputy; is  
16 that correct?

17 A Yes, I believe that's correct.

18 Q Okay. And then when you became the first  
19 deputy, what was your -- what was your responsibilities  
20 in terms of oversight within the police department?

21 MR. BRUEGGEN: Objection, form.

22 A I guess that's kind of -- you know, the  
23 catchall phrase they say is you're in charge of  
24 day-to-day operations. So everything in the department  
25 fell under me other than the office of the

1 superintendent.

2 Q Okay. And which superintendent did you work  
3 under during the time you were the first deputy?

4 A I was appointed by Eddie Johnson, and then I  
5 remained there during Charlie Beck when he was the  
6 interim. And then for a short time under David Brown  
7 when he became superintendent.

8 Q Okay. And then you remained in that role  
9 until August 2020 when you retired, correct?

10 A That's correct.

11 Q At any of the -- at any point in time while  
12 you were an exempt employee, were you involved in  
13 writing any policies? You identified a staffing policy  
14 that you were involved in writing, I think at one point,  
15 correct?

16 MS. ROSEN: Objection. Form, mischaracterizes  
17 his testimony. I think you've misinterpreted what  
18 he meant by staffing.

19 BY MR. SWAMINATHAN:

20 Q Okay. Yeah. Let me re-ask the question then.  
21 At any point you were in as -- you were an exempt  
22 employee, were you involved in any writing of any  
23 policies for the department?

24 MR. BRUEGGEN: Objection, form. Go ahead.

25 A Yes. So as the chief of organized crime, I



1 actually rewrote all the Bureau of Organized Crime  
2 special orders.

3 Q Okay. Okay. And in any other positions that  
4 you held, did you rewrite or write any of the policies  
5 for any of your -- any special orders or general orders?

6 A Other than what we talked about, where  
7 staffing -- where it's sent out to a large group and you  
8 kind of review it and make suggestions, no. So that  
9 would be -- I didn't write them or rewrite them, that  
10 would be more of you weigh in on them and you either  
11 concur or not concur and enter your suggestions or your  
12 recommendations. And then it's up to research and  
13 development to ultimately decide whether or not they  
14 want to make changes based on your recommendations or  
15 not.

16 Q Okay. Were you assigned to the -- as a  
17 detective -- strike that. Were you, as a detective,  
18 assigned to work on the Monica Roman homicide  
19 investigation?

20 A I was assigned to assist one day with the  
21 arrest of the offender, and then the conducting of  
22 lineups.

23 Q And who assigned you to do those things?

24 A I'll say the on-duty sergeant, but I don't  
25 recall who that was.

1 Q Okay. Who were the lead detectives on the --  
2 in the Roman homicide investigation?

3 MR. BRUEGGEN: Objection. Foundation, form. Go  
4 ahead.

5 A The lead detectives were Rey Guevara and Ernie  
6 Halvorsen.

7 Q Okay. Were you -- did you serve as a lead  
8 detective at all on the Roman homicide investigation?

9 A No.

10 Q Did Steve Gawrys serve at all as a lead  
11 detective on the Roman homicide investigation?

12 A No.

13 Q Okay. And in terms of serving as a lead  
14 detective on a homicide investigation, what does that  
15 mean within -- you know, if you're explaining to a jury,  
16 what does it mean to say Rey Guevara and Ernest  
17 Halvorsen were the lead detectives on the case?

18 MR. BRUEGGEN: Objection, form.

19 A Just that they had -- they had the paper. I  
20 really don't know how to explain it. A lead detective  
21 is kind of something that somebody made up along the  
22 way. I think it was just that they had the most  
23 familiarity and the most -- the follow-up responsibility  
24 based on circumstances that occur sometimes. I don't  
25 want to get into a hypothetical, but they had the

1 responsibility for it at some point in the  
2 investigation.

3 Q And so, as the lead detectives -- well, strike  
4 that. Putting it another way, if somebody was keeping a  
5 cold case list and, you know, this case ended up on that  
6 list, the detectives that you'd speak to as a supervisor  
7 about that case were Guevara and Halvorsen; is that  
8 right?

9 MR. BRUEGGEN: Objection, form.

10 A Well, yes and no. At -- at the point where  
11 the initial -- initially where the case gets started, it  
12 would be the scene detectives. And then at some point,  
13 it could be other detectives based on a multitude of  
14 different factors.

15 Q I see. Okay. So the case may have had a  
16 different assigned or lead detective initially, and then  
17 that could change over the course of the investigation,  
18 correct?

19 A I believe that's accurate, yes.

20 Q Okay. And in this case, at least by the -- by  
21 the time you got involved in the investigation, the lead  
22 detectives at that point were Rey Guevara and Ernie  
23 Halvorsen, correct?

24 A That's correct.

25 Q Okay. Did you play any role in solving the

1 Roman homicide?

2 MR. BRUEGGEN: Objection. Go ahead.

3 A No, I did not.

4 Q Who did play -- who did solve the Roman  
5 homicide case -- strike that. Who did ultimately solve  
6 the case for purposes of obtaining charges?

7 MR. BRUEGGEN: Objection, form.

8 MS. ROSEN: Form.

9 A Halvorsen and Guevara.

10 Q Did you personally develop any evidence that  
11 was used to justify Geraldo Iglesias' arrest?

12 MR. BRUEGGEN: Objection, form. Develop.

13 A No, I did not.

14 Q Did you develop any evidence that was used to  
15 justify his charges?

16 MR. BRUEGGEN: Objection, form. Develop.

17 A No, I did not.

18 Q Did you personally develop any of the evidence  
19 that was used to justify his conviction?

20 MR. BRUEGGEN: Objection, form.

21 A No, I did not.

22 Q Who did develop the evidence that was used to  
23 justify Geraldo Iglesias' arrest?

24 MR. BRUEGGEN: Objection, form.

25 MS. ROSEN: Form, foundation.

1 A Guevara and Halvorsen.

2 Q Who developed the evidence that was used to  
3 justify Geraldo Iglesias' charges?

4 MR. BRUEGGEN: Objection, form.

5 MS. ROSEN: Form, foundation.

6 A I don't know that I can answer that. Who  
7 developed the evidence? Is that what the question was?

8 Q Yeah. Yeah. Who developed the evidence that  
9 was used to obtain charges against Geraldo Iglesias?

10 MR. BRUEGGEN: Objection, form.

11 MS. ROSEN: Form, foundation.

12 A I don't think I know enough about the case to  
13 be able to answer that.

14 Q Who developed the evidence that ultimately was  
15 used to convict Geraldo Iglesias in this case?

16 MR. BRUEGGEN: Objection to form.

17 MS. ROSEN: Objection to form, foundation.

18 A Again, same answer. I don't know that I have  
19 enough information. I don't have enough information to  
20 answer that.

21 Q In this investigation, did you have any -- did  
22 you ever go to the scene of the crime in this case?

23 A No, I did not.

24 Q Did you have any involvement in the first few  
25 days of the investigation when scene witnesses were

1 being interviewed?

2 A No, I did not.

3 Q What is the first day that you got involved in  
4 this investigation in any capacity?

5 A I don't remember the date. It was when I was  
6 asked -- when I was asked to back up Guevara and  
7 Halvorsen on an arrest.

8 Q And what does that mean to back them up on an  
9 arrest?

10 A To be an extra presence. They were going to  
11 arrest a suspect for murder and they requested an extra  
12 car.

13 Q Okay. So did Guevara and Halvorsen personally  
14 go to arrest Mr. Iglesias?

15 A Yes, they did.

16 Q And did you go with them?

17 A No, we did not go with them. We went  
18 separately. And by we, I mean Steve Gawrys and myself.

19 Q Okay. And so, you went to the same location,  
20 but you went in a separate car?

21 A Yes. I don't know that we ever -- I don't  
22 know that we went to the same location. I think we were  
23 more in the vicinity of the location. We weren't  
24 present for the physical arrest.

25 Q Okay. And that was my next question. So you

1 did not participate in the physical arrest of Geraldo  
2 Iglesias; is that correct?

3 A That's correct.

4 Q And then what role, if any, did you play in  
5 that arrest?

6 A Again, just, we were there or en route there  
7 or in a close proximity. And I don't recall because  
8 it's such a long time ago. Just to be a backup for  
9 them. In the event that they needed help, we would've  
10 been there or close by there.

11 Q Okay. Okay. And then after that arrest was  
12 made, did you -- strike that. Was anybody else arrested  
13 at the same time as Mr. Iglesias, as far as you recall?

14 MR. BRUEGGEN: Objection, foundation. Go  
15 ahead.

16 A I do not know.

17 Q Okay. Did you go back to the police station  
18 after that?

19 A Yes.

20 Q And then after you were back at Area 5, what  
21 role did you play in the investigation?

22 A I was asked to assist in the conducting of two  
23 lineups.

24 Q And what role did you play in assisting in  
25 those two lineups?

1           A       I was inside of the lineup room where the  
2       suspect and the fillers were. And basically my role was  
3       to tell them, you know, one at a time to step up to the  
4       glass, make different facing movements, turn left, turn,  
5       right, and then return to their -- their place in line.  
6       And that same process was repeated for -- for everyone  
7       in the lineup.

8           Q       So you were not in the room with the witnesses  
9       viewing the lineup, you were in the room with the  
10      suspect and fillers, correct?

11          A       That's accurate, yes.

12          Q       Okay. And is that true for both -- strike  
13      that. Is that true for all of the lineups that you  
14      participated in?

15          A       Yes. It's true for all lineups, yes.

16          Q       Were there any lineups that you participated  
17      in in which you were in the room with the witnesses?

18          A       No.

19          Q       And how many total lineups did you assist in?

20          A       There were two lineups. The first lineup  
21      involved one witness. The second lineup, I believe,  
22      involved three different witnesses.

23          Q       And in terms of -- strike that. So what --  
24      for the second lineup that involved three witnesses, how  
25      do you know it involved three different witnesses?



1           A     Well, because you have to do the -- the -- the  
2     cadence, the sequence of having them step up to the  
3     glass individually. You have to repeat that process  
4     three separate times. I believe it was three. It -- it  
5     could have been two, it could have been four, but you  
6     have to repeat that same process each time a new witness  
7     is brought to the viewing glass.

8           Q     Okay. And so, were the three witnesses all on  
9     the other side of the wall looking at the lineup one by  
10    one?

11          A     Yes, correct.

12          Q     And were they -- were they all in the room  
13    together or were they separate?

14               MR. BRUEGGEN: Object to foundation.

15          A     I -- I do not know because I was inside the  
16    room with the suspect and the fillers.

17          Q     Okay. Do you have an understanding of why  
18    those particular individuals were in the -- reviewing  
19    the lineup?

20               MR. BRUEGGEN: Object to form.

21          A     I -- I -- I don't. I can only assume that  
22    they were witnesses and that was why they were viewing  
23    it, but I'm -- I'm speculating. I think that's why most  
24    people are asked to view it.

25          Q     Did you have any role in gathering the fillers

1 for the lineups?

2 A I don't recall. I -- I mean, I would've had  
3 some role in -- in -- in fillers, but I don't recall  
4 what that role was. I know some of them came from the  
5 lockup. Others were volunteers that came in. But, I  
6 mean, it was so long ago, I don't recall how they -- how  
7 that came to be.

8 Q Okay. But do you have any recollection of  
9 whether you performed any -- strike that. Whether  
10 participated in that process of gathering fillers?

11 A I -- I -- I do not recall doing that, no.  
12 Typically, I -- I -- I mean, I could say that I never  
13 went out on the street to gather up fillers, so I would  
14 -- I would say that that was the same in this time as  
15 well.

16 Q Okay. And in terms of participating in these  
17 two lineups, would it -- strike that. While you were in  
18 the room with the suspect and the fillers, who was in  
19 the room with the witnesses who were viewing the lineup  
20 for those two lineups?

21 A I do not know. Because again, I was inside  
22 the room with the fillers and the suspect, so I don't  
23 know what was occurring outside of that room.

24 Q Was it your understanding that you were  
25 assisting Rey Guevara and Ernie Halvorsen in conducting

1 those lineups?

2 A Yes.

3 Q Okay. And so, was it your understanding that  
4 it was Ernie Halvorsen and Rey Guevara who were with the  
5 witnesses viewing the lineup?

6 A Yes.

7 MS. ROSEN: Objection to form, foundation.

8 A That -- that was my understanding, yes.

9 Q Okay. And sitting here today, can you say  
10 whether it was both of them in the room or if it was  
11 just one of them in the room?

12 A I could not say, again. Because from where I  
13 was, you can't see out of that room, you can only see  
14 into that room.

15 Q Okay. So your understanding is that one or  
16 both of Ernie Halvorsen and Rey Guevara were with the  
17 witnesses viewing those lineups; is that correct?

18 A Yes, sir. That's correct.

19 Q When you got involved in the investigation in  
20 the capacity you just told us about, did you review any  
21 aspects of the case file up to that point?

22 A No, I did not.

23 Q Did you have any knowledge or information  
24 about the investigation when you got involved?

25 A I -- I just knew that a young girl had been

1 killed. I don't -- again, as I sit here, I -- I -- I  
2 don't know what I knew back then, but I just -- I -- I  
3 just knew the -- the very basics of the case. It was a  
4 murder investigation of a young girl.

5 Q After you participated in those two lineups,  
6 did you have any further involvement in the Roman  
7 homicide investigation?

8 A No.

9 Q Did you -- (coughs) excuse me. Did you ever  
10 learn about a witness named Francisco Vicente?

11 A No, I did not.

12 Q Did you ever learn of -- that police  
13 detectives had obtained a statement from a witness  
14 stating that Mr. Iglesias had confessed to this person  
15 about the crime?

16 A No, I did not.

17 Q As you sit here today, do you have any  
18 opinion, one way or the other, about whether Geraldo  
19 Iglesias is guilty of the Roman murder?

20 A I -- I don't know enough about the case to  
21 have a -- an opinion on it. I know that he was  
22 identified by a couple of the witnesses who saw the  
23 lineup. But I don't know, beyond that, any of the facts  
24 of the case.

25 Q Okay. And you have not -- I think you

1 indicated that you have not seen any of the evidence  
2 that was presented at trial, correct?

3 A That's correct.

4 Q And you have not seen any of the evidence that  
5 was presented during the post-conviction process that  
6 resulted in his conviction being thrown out, correct?

7 A That's also correct.

8 Q Okay. And your information about him being  
9 identified is based on your review of the two lineup  
10 reports; is that correct?

11 A No. I -- I would've been told. Following the  
12 lineups, I would've been told, here's what the -- the  
13 witness said or, you know, this witness said he saw him,  
14 this witness said he didn't. So after the lineup, I  
15 would've been given enough information to complete the  
16 lineup supplementary report.

17 Q Okay. Thank you. And that's an important  
18 clarification. So when -- your testimony about your  
19 participation in those two lineups, is it based at all  
20 on memory, or is it based entirely on your review of  
21 those lineup reports in preparation for this deposition?

22 A It's based entirely on reviewing those  
23 reports.

24 Q Okay. So you don't have any independent  
25 memory of those lineups or learning about the

1 identifications of Mr. Iglesias, fair?

2 A Fair.

3 Q Okay. And you don't have any independent  
4 memory of going out to arrest Geraldo Iglesias, correct?

5 A That's correct.

6 Q Everything that you're able to testify to  
7 about what you did during the course of this  
8 investigation is based on your review of documents; is  
9 that correct?

10 A Yes, that's correct.

11 Q Okay. And so, are you relying on the accuracy  
12 of those documents for purposes of your testimony?

13 A I am.

14 Q Okay. With regard to the identifications of  
15 Mr. Iglesias, your knowledge of that is, again, sitting  
16 here today, based on your review of documents, correct?

17 A Correct.

18 Q Okay. And so, as you sit here today in light  
19 of the evidence you're aware of and -- and the  
20 information you have indicated that you have not seen.  
21 As you sit here today, do you have an opinion about  
22 whether Geraldo Iglesias did, in fact, murder Monica  
23 Roman?

24 MR. BRUEGGEN: Objection. Asked and answered.

25 Go ahead.

1 A Yeah. Again, all I can say is I know that  
2 from my review of those reports, that he was positively  
3 identified as the shooter in -- in the lineups. So that  
4 would, you know, be the basis of my -- of my knowledge  
5 of the case, really, and -- and his guilt or innocence  
6 based on that. Beyond that --

7 Q So -- I'm sorry, go ahead.

8 A I was going to say, beyond that, I -- I have  
9 no -- no knowledge of anything.

10 Q Okay. And so, if you were to be before the  
11 jury in this case, would you -- would it be -- would you  
12 indicate to the jury that you believe Geraldo Iglesias  
13 is guilty of this crime?

14 A I --

15 MS. ROSEN: Objection, form.

16 MR. BRUEGGEN: Objection to form.

17 A Yeah. Again, all I could say is that I know  
18 that he was positively identified in a lineup. Guilt or  
19 innocence is not for my -- for me to decide. I know  
20 that he was positively identified in these lineups.

21 Q Okay. And so, you would not -- strike that.  
22 If I understand you correctly, it is not your testimony  
23 that you personally believe that Geraldo Iglesias  
24 committed this crime, correct?

25 MR. BRUEGGEN: Objection, form.

1 Q Yeah. And strike that. I don't want to put  
2 unfair words in your mouth. Let me ask it a better way.  
3 Sitting here today, you are not prepared to offer an  
4 opinion about whether or not Geraldo Iglesias committed  
5 this crime as a matter of fact, correct?

6 A Well, I didn't -- I didn't witness it, so I  
7 certainly can't say with absolute certainty that he did  
8 it. All I can say is that I conducted two lineups, and  
9 he was identified as the shooter during those lineups.  
10 So, you know, having not witnessed it, all -- all I know  
11 is the facts from the reports that I authored.

12 Q Okay.

13 A That's really all I can say.

14 Q And you consider the information that you have  
15 had available to you to be sufficient information for  
16 you to offer an opinion about whether or not he's guilty  
17 or innocent?

18 MR. BRUEGGEN: Objection, form.

19 A Yeah, no. I don't -- I don't think I said  
20 that. Again, I didn't witness it, so I would not be  
21 able to say that he did it or did not do it. All I can  
22 say is, based on the two lineups, two individuals  
23 identified him as the shooter.

24 Q Okay. As you sit here today, are you aware  
25 that Reynaldo Guevara has been accused of misconduct in



1 many cases other than this one?

2 A Yes, I am.

3 Q And sitting here today, are you aware that Rey  
4 Guevara has been accused of manipulating eyewitnesses  
5 during lineup procedures in many cases other than this  
6 one?

7 A No, I am not.

8 Q Okay. As you sit here today, are you aware  
9 that he's asserted his fifth amendment right in response  
10 to all questions about his conduct in this case?

11 A Yes, I am aware of that.

12 Q And are you aware that he has asserted his  
13 fifth amendment right with regard to whether he  
14 manipulated the witnesses Hugo Rodriguez and Rosendo  
15 Ochoa?

16 MR. BRUEGGEN: Objection, form and to the  
17 extent it calls for attorney-client privilege.  
18 Anything we talked about, you don't have to tell  
19 him.

20 THE WITNESS: Got it.

21 MR. BRUEGGEN: But do you have an independent  
22 basis from anything we talked about?

23 A Okay, got it. No, I am not aware of that.

24 BY MR. SWAMINATHAN:

25 Q Okay. And based on your involvement in the

1 lineups, are you in a position to vouch for what Rey  
2 Guevara did or did not do when he was in the room with  
3 the witnesses viewing the lineup?

4 MS. ROSEN: Objection to form.

5 MR. BRUEGGEN: Objection, form.

6 A No. Again, I was inside the -- the lineup  
7 room with the suspect and the fillers, and that room is  
8 designed so you cannot hear out or see out. So anything  
9 that was occurring outside of that room, any  
10 conversations, any interaction with witnesses or anyone  
11 else would've been outside of -- of my ability to have  
12 knowledge of it.

13 Q Okay. So would it be -- so if I understand  
14 you correctly, what happened in the room when the  
15 witnesses were identifying Geraldo Iglesias is something  
16 that you were not there for, correct?

17 A What happened --

18 MR. BRUEGGEN: Objection to form, vague.

19 A Yeah. Are you asking me about what happened  
20 in the viewing room or in the room with the suspect and  
21 the fillers?

22 Q Yeah, good question. So I'm referring to the  
23 room where the witness is viewing the lineup containing  
24 the suspect and fillers. So let's use the right  
25 nomenclature. So is that --

1 A That's --

2 Q Do you call that the viewing room?

3 A Typically the viewing room or the viewing  
4 area, right. Yes.

5 Q Okay. So you were never in the viewing area  
6 during these lineups, correct?

7 A Correct.

8 Q And so, you don't know what happened in the  
9 viewing area during these lineups, correct?

10 A Correct. Again, the room is designed so that  
11 you cannot see out or hear conversations going on  
12 outside of the room. So you're really kind of in this  
13 isolated little bubble with the suspect and with the  
14 fillers.

15 Q So you cannot vouch for what Rey Guevara or  
16 Ernie Halvorsen did when they were in the viewing room  
17 with the witnesses viewing the lineup, correct?

18 A That --

19 MS. ROSEN: Object to form.

20 MR. BRUEGGEN: Asked and answered. Go ahead.

21 A Yeah, that is accurate. Yes.

22 Q Okay. Sitting here today, do you feel, based  
23 on your experience having worked with Rey Guevara and  
24 Ernest Halvorsen, that you can offer an opinion about  
25 whether or not they engaged in misconduct during the

1 time they were with the witnesses viewing the lineup?

2 MR. BRUEGGEN: Object to form.

3 MS. ROSEN: Objection to form, vague,  
4 foundation.

5 A No, I -- I could not offer an opinion either  
6 way on whatever interaction they had with the witnesses,  
7 no.

8 Q Okay. When you -- you indicated that you're  
9 not aware of details of what specific things Rey Guevara  
10 has asserted the fifth amendment with regard to, but you  
11 were aware that he had asserted the fifth amendment as a  
12 general matter. I have that correct, right?

13 A That's correct, yes.

14 Q And are you also aware that Ernest Halvorsen,  
15 at one point, asserted the fifth amendment with regard  
16 to his conduct as a Chicago police officer?

17 A I was not aware of that, no.

18 Q Okay. When you found out that Rey Guevara was  
19 asserting his fifth amendment right with regard to this  
20 case and other cases, what was your reaction?

21 MS. MCGRATH: Objection, form.

22 A I -- I don't know that I had a reaction. I  
23 knew that -- I knew that it had happened. I -- I don't  
24 know that I really had a reaction to it at all.

25 Q When did you first learn about any allegations

1 of misconduct against Rey Guevara?

2 A It's been a while. Several years, probably  
3 when the media -- when the news started covering it, was  
4 when I heard about it.

5 Q Did you ever hear of any allegations of  
6 misconduct against Rey Guevara during the time -- strike  
7 that. Did you ever hear of any allegations of  
8 misconduct against Detective Guevara through internal  
9 police channels?

10 MR. BRUEGGEN: Objection, form.

11 A No. Not that I can recall.

12 Q Did you ever hear of any allegations of  
13 misconduct against Rey Guevara from any other police  
14 officers, detectives, or otherwise?

15 A Broadly, generally, I think it's well-known  
16 that -- that Guevara has these allegations against him.  
17 As far as when or how -- specifics, I don't -- I don't  
18 -- I couldn't provide you with those.

19 Q Okay. The knowledge about Reynaldo Guevara  
20 having these allegations against him, is that something  
21 that's been known from before the time the media reports  
22 first started or after?

23 MS. MCGRATH: Objection to form, foundation.

24 MS. ROSEN: Objection to form, foundation.

25 A I -- that would be after the media reports, is

1 when I found out about it. I don't know when anybody  
2 else found out about it.

3 Q And knowledge about these general allegations  
4 against Reynaldo Guevara, does it go as high as the  
5 superintendent of police?

6 MS. ROSEN: Objection to form, foundation.

7 MS. MCGRATH: Objection to form, foundation.

8 A I couldn't say. I never had a conversation  
9 with the superintendent about Reynaldo Guevara.

10 Q And did you have any -- do you have any  
11 information that any of the superintendents you worked  
12 with had knowledge of the allegations against Rey  
13 Guevara?

14 MS. ROSEN: Objection. Form, foundation.

15 A No. There's -- there's -- there's nothing to  
16 indicate to me that they had any knowledge of any sort  
17 of wrongdoing about Guevara.

18 Q Okay. And what -- strike that. Was -- did  
19 you have -- strike that. When you say it was generally  
20 known within the department that there were these  
21 general allegations against Guevara, what do you mean by  
22 that? What form did that take?

23 MR. BRUEGGEN: Objection, misstates his  
24 testimony. That's not what he said, Anand.

25 A Yeah, no. I -- I think what it -- what I mean

1 is that people who had worked with Guevara in particular  
2 would -- talked about it, that he had these legal  
3 troubles now. That was it.

4 Q And who did you hear talking about these  
5 general legal troubles that he had?

6 A I -- I don't recall. It's -- it's been so  
7 long ago. I think it's just common knowledge among Area  
8 5 detectives that Guevara had these problems.

9 Q Okay. And is that information that was  
10 communicated to you from other detectives or prior  
11 detectives?

12 MR. BRUEGGEN: Objection, foundation.

13 A Yeah, I don't -- I don't even recall. I mean,  
14 again, it's -- it's so old, I don't know -- I don't  
15 remember where I heard it. I -- I just remember seeing  
16 it on TV, seeing him taking the fifth.

17 Q Upon learning that there were these  
18 allegations against Reynaldo Guevara, at that time -- at  
19 the time you learned this, you were an -- you were an  
20 exempt employee, correct?

21 A I don't recall when I learned it, yeah.

22 Q But let's see. You would've been -- you  
23 became an exempt employee -- let's see here. Where on  
24 my notes -- when did you -- when did you first become an  
25 exempt employee?

1 A 2008.

2 Q Okay. And when you first learned about media  
3 stories about Reynaldo Guevara was after 2008; you agree  
4 with that?

5 A I -- I would agree with that, yes.

6 Q Okay. So the first time you learned about  
7 allegations against detective Guevara was when you were  
8 at the commander level or higher, either a deputy chief  
9 or first deputy, correct?

10 A Correct.

11 Q And when you learned of those allegations  
12 against detective Guevara, you also learned that he was  
13 pleading the fifth with regard to the allegations  
14 against him, correct?

15 A Yes. I believe I saw that on TV.

16 Q Okay. What actions, if any, did you take when  
17 you learned this information?

18 A There -- there were no actions to take. You  
19 know, it was under investigation. There was nothing for  
20 me to do.

21 Q And when you say it was under investigation,  
22 who was it under investigation by?

23 A The department. I knew that there were --  
24 there was investigations -- there were civil suits going  
25 on, so I knew that -- that the case was -- that he was



1 under investigation.

2 Q And when you say he was under investigation,  
3 are you referring to the civil suits or are you  
4 referring to something else?

5 A The civil suits.

6 Q Okay. Other than the civil suits, were you  
7 aware of any other investigation involving detective  
8 Guevara?

9 A No, I was not.

10 Q Okay. So other -- and so, you were not --  
11 when you learned this information during the time you  
12 were an exempt employee, were you aware of there being  
13 any internal investigation within the Chicago Police  
14 Department of these allegations against him?

15 MS. ROSEN: Object to form, foundation.

16 A No. In fact, I believe that Guevara had --  
17 had long been retired, so there would be no internal  
18 investigations. Internal investigations are only for  
19 current employees.

20 Q Okay. When you learned of this information,  
21 did you take any steps to try to initiate any kind of  
22 internal investigations involving Detective Guevara?

23 A No. Again, internal investigations are only  
24 for current employees. He would have been long retired.

25 Q When you learned about this information, did

1 you initiate any steps to try to review the past cases  
2 in which Detective Guevara had been involved in securing  
3 convictions?

4 A No.

5 Q Do you know whether any such investigations  
6 were initiated by any of your colleagues?

7 MS. ROSEN: Objection, form, foundation.

8 A I do not know. But I'll say again that  
9 investigations within the department are only for  
10 current employees. So retired employees' allegations of  
11 misconduct are not investigated by the department.

12 Q Okay. Are you aware that, at some point, an  
13 investigation was conducted by the law firm Sidley  
14 Austin into Rey Guevara?

15 A No, I do not. No, I've never heard of them.

16 Q Okay. Did you ever become aware of the  
17 conclusions of the Sidley Austin Law Firm about  
18 allegations and misconduct against Rey Guevara?

19 MS. ROSEN: Objection, form, foundation.

20 A No. Again, I've never heard of them, and I've  
21 never -- I was never aware that there was an  
22 investigation.

23 Q Okay. During the time that you were first  
24 deputy to the superintendent, did you ever learn about  
25 the conclusions of the Sidley Austin investigation being

1 shared with the superintendent?

2 MS. ROSEN: Objection. Form, foundation.

3 A No. Again, I never discussed it with the  
4 superintendent, nor was I aware of this investigation. I  
5 had never heard of it until now.

6 Q Okay. So the investigation results have never  
7 been shared with you; is that correct?

8 A They've never been shared with me. That's  
9 correct, yes.

10 Q Is that surprising to you -- strike that. I'll  
11 represent to you the Sidley Austin investigation  
12 concluded that, at least in some cases, Rey Guevara had  
13 committed misconduct, including physically abusing  
14 witnesses, okay? If that was the conclusion of the  
15 investigators hired by the City of Chicago, is it  
16 surprising to you that that information would not have  
17 been shared with you?

18 MR. BRUEGGEN: Object to form.

19 MS. ROSEN: Objection. Form, foundation, and  
20 is not entirely accurate, but you can answer.

21 A No. That -- that doesn't surprise me. Again,  
22 Rey Guevara was a former employee, and I don't know why  
23 that information would've been shared with me. So no, I  
24 -- I wouldn't be surprised that it was not.

25 Q Okay. And so, when you say you're not

1 surprised that it wouldn't have been shared with you,  
2 help me understand why you wouldn't expect that  
3 information to have been shared at your level of the  
4 command staff.

5 MR. BRUEGGEN: Objection, form.

6 MS. ROSEN: Objection, form, foundation, and  
7 relevance. We're talking about events that happened  
8 in the last couple years, and this has to do with a  
9 claim that originates in the early '90s. Under any  
10 view of Monell, you're not getting this evidence in  
11 front of a jury, so I have a -- a relevance and  
12 proportionality objection. We have been at this for  
13 two -- almost three hours now, and you've asked  
14 about ten minutes of questions related to the Roman  
15 homicide. So I am -- I am getting at the end of my  
16 patience.

17 MR. SWAMINATHAN: So I'll just note for the  
18 record, we have a different view about what is going  
19 to be relevant to the issues of notice and  
20 deliberate indifference involving Chicago Police  
21 Department, but we don't have to resolve those  
22 debates here.

23 BY MR. SWAMINATHAN:

24 Q Why don't you go ahead, Mr. Riccio?

25 A Again, he was a former employee, so there's no

1 -- no expectation that the behavior of a former employee  
2 would be brought to my attention.

3 Q Okay. Was there any expectation that when  
4 conduct involves -- strike that. So if I understand  
5 correctly, when conduct involves somebody who has left  
6 the police department, there's not really anything that  
7 can occur internally when that happens; is that right?

8 MR. BRUEGGEN: Objection, form.

9 MS. ROSEN: Objection. Form and foundation.

10 A There's nothing -- there's no investigation  
11 that can occur internally because internal  
12 investigations are for current employees only. So the  
13 behavior of a past employee, while it may have some  
14 relevance for training or -- or, you know, a way to  
15 improve ourselves, there's no internal investigation  
16 that can be conducted into a former employee.

17 Q Okay. So putting aside the word internal  
18 investigation, which I understand you to be saying is  
19 exclusively for current employees -- do I have that part  
20 right?

21 A Correct.

22 Q Okay. So putting aside that concept, could  
23 the police department initiate an investigation or audit  
24 based on the conduct of a former employee?

25 MS. ROSEN: Objection to form, foundation.

1 MR. BRUEGGEN: Objection to form, foundation.

2 A That would be outside the -- the scope of my  
3 knowledge. I -- I have no knowledge of that. If, in  
4 fact, that happened or did not happen, I don't know.

5 Q Are you aware of any instances in which any  
6 kind of investigation or audit of any kind was conducted  
7 based on allegations of misconduct against a former  
8 Chicago police officer?

9 MR. BRUEGGEN: Objection to form.

10 MS. ROSEN: Form, foundation.

11 A I'm not aware of any. That's not to say they  
12 didn't happen, I'm just saying that, in -- in my  
13 capacity, that -- that I'm not aware of them.

14 Q Okay. Are you aware of any kind of  
15 investigation that took place within the Chicago Police  
16 Department to assess best practices or training or  
17 otherwise based on the allegations of misconduct against  
18 Rey Guevara?

19 MR. BRUEGGEN: Objection, form.

20 MS. ROSEN: Objection form, foundation.

21 A I'm not aware of any. Again, there may very  
22 well have been, but I am not aware of any.

23 Q Are you aware of any kind of audit that  
24 occurred within the Chicago Police Department to assess  
25 the impact of any misconduct by Reynaldo Guevara on past

1 **investigations and cases?**

2 MR. BRUEGGEN: Object to form.

3 MS. ROSEN: Object to form, foundation.

4 A Again, I'm not aware of any. That's not to  
5 say that I would've been made aware of it if it  
6 occurred. But I -- I -- as I sit here, I am not aware  
7 of any, no.

8 **Q Okay. And based on your --**

9 A I'm not --

10 **Q Go ahead.**

11 MR. BRUEGGEN: Do you have a -- where are you  
12 at in your outline as far as time? I'm just  
13 wondering if we should take a break for lunch  
14 because we --

15 MR. SWAMINATHAN: Yeah. Why don't -- I have  
16 just a couple more questions on this line that I  
17 have to make sense to take a break for lunch and  
18 then -- and then -- and then come back. But I  
19 need --

20 MR. BRUEGGEN: Well, I will talk --

21 MR. SWAMINATHAN: I need a few minutes.

22 MR. BRUEGGEN: I'll talk to Mr. Riccio about  
23 how long of a break he wants. But, you know, at  
24 least take a break --

25 MR. SWAMINATHAN: Yeah, for sure. Yeah, for

1       sure. Why don't we take -- why don't we plan to  
2       take a lunch break and he can -- you guys can decide  
3       how long you -- how long you want do that. But can  
4       we go another two minutes or so?

5               MR. BRUEGGEN: Yeah, yeah.

6               THE WITNESS: Yeah, I'm good.

7               MR. SWAMINATHAN: You're good? Okay.

8               THE WITNESS: I'm good.

9       BY MR. SWAMINATHAN:

10            **Q       Based on your extensive experience in the**  
11 **Chicago Police Department, to the extent any kind of**  
12 **investigation or audit was conducted to try to assess**  
13 **any impact on best practices or training, who in the**  
14 **police department would be responsible for that or know**  
15 **about that?**

16            MR. BRUEGGEN: Object to form.

17            MS. ROSEN: Form, foundation.

18            A       It -- it's difficult to say. It could be at  
19       -- at the training division. It could be within the  
20       Bureau of Detectives. It -- those would -- and I'm just  
21       answering, you know, based on -- on my knowledge from  
22       two years ago. Those would be the places that I would  
23       most likely see something like that occur. It could be  
24       in -- in the law office within the police department,  
25       the general counsel's office. Again, it's -- I'm -- I'm



1 just speculating. All I know is that it never came to  
2 my level.

3 Q Okay. And during the time that you were a  
4 commander, deputy -- or deputy chief overseeing  
5 detectives, did you ever have any investigations that  
6 were conducted under your command into allegations of  
7 misconduct against Reynaldo Guevara?

8 MR. BRUEGGEN: Objection. Form, foundation,  
9 asked and answered.

10 A Can you repeat that?

11 Q During the time that you were a commander and  
12 deputy chief overseeing detective division -- detectives  
13 in detective division, did you ever initiate any  
14 investigations into allegations of misconduct against  
15 Reynaldo Guevara?

16 A No. But I think Guevara was already retired  
17 before I became a commander. I -- I don't know when he  
18 retired specifically, but I believe he was gone prior to  
19 the time that I even became a commander in the detective  
20 division, which was like 2009 or 2010. I believe he was  
21 already retired.

22 Q Okay. And during the time that you were a  
23 commander and deputy chief overseeing detectives, did  
24 you initiate any kind of effort to assess best practices  
25 or trainings or otherwise to address the types of

1 allegations of misconduct against Reynaldo Guevara?

2 MR. BRUEGGEN: Objection to form.

3 MS. ROSEN: Objection. Form, foundation.

4 A I -- I -- I would say no, I don't recall. I  
5 don't recall that ever coming up, no.

6 Q Okay. During the time that you were a  
7 sergeant and a lieutenant and a commander overseeing or  
8 supervising detectives, are you aware of any instances  
9 in which any trainings or -- let's start with -- let's  
10 start with trainings. Are you aware of any instances in  
11 which any trainings were conducted with detectives  
12 during the time you were a supervisor as a sergeant,  
13 lieutenant, or commander, in which there were trainings  
14 put in place based on allegations of misconduct against  
15 detectives?

16 MS. ROSEN: Objection, form, foundation.

17 A Yeah, I -- I think that was kind of an ongoing  
18 thing. Anytime that there was some sort of a finding in  
19 court, or even if -- even in a civil judgment or  
20 something that adversely affected some detective or --  
21 or -- or the way we did things, there was training to  
22 kind of modify it and come in line with whatever that  
23 ruling was or whatever that law was. So I think those  
24 training -- that training was kind of ongoing. That was  
25 a continuous thing.

1           Q     So there were instances when trainings were  
2 conducted with detectives based on the outcomes of civil  
3 lawsuits?

4           A     I -- I believe that there were, yeah. There  
5 was -- there were some. And I -- I don't remember  
6 specifics. I mean, sometimes it was something as basic  
7 as a -- as a roll call training where you would sit down  
8 and discuss with the detectives, like, hey, somebody,  
9 you know, just had a -- there -- we lost a lawsuit based  
10 on -- based on this or based on that, and then here's a  
11 way that we need to make some corrections or -- or  
12 modifications or -- or go in a different direction.  
13 There -- there was -- I think that was kind of an  
14 ongoing thing anytime something happened. Even losing a  
15 case in criminal court where it was lost, for example,  
16 because you didn't document who was in the room when you  
17 read Miranda to the -- to the offender would bring  
18 about, you know, like, hey, from now on, in these  
19 reports, we got to document who was present or -- or  
20 what time Miranda was read, or -- so there -- I think it  
21 was kind of an ongoing thing. Any time that you -- you  
22 took a ding because an offender beat you at trial or  
23 beat a case at trial or won a civil lawsuit, I think we  
24 always tried to modify our practices to -- to try to  
25 make sure it didn't happen again.

1 Q Okay. So outcomes at the -- at criminal  
2 trials was something that was being followed within  
3 detective divisions; is that right?

4 A Yes. I mean, that would be brought back to us  
5 by detectives who would say, I lost this case. This  
6 robbery offender got off because of XYZ. You know, OJ  
7 Simpson's case led to best practices with collecting  
8 evidence at the crime scene for DNA processing. So  
9 there's always -- there's -- it's -- it's a constant  
10 evolving of -- of policies and procedures, whether it's  
11 documenting things or interviewing or -- or the rooms or  
12 filling out paperwork. That -- there's -- there's --  
13 there's a constant evolving to try to not repeat  
14 mistakes, I think. And that's -- that's something that  
15 was ongoing, and that was something that I stressed  
16 during my time as a supervisor in the detective  
17 division. And I saw many other supervisors in the  
18 detective division doing the exact same thing.

19 Q Okay. So thank you for that. So detective  
20 division supervisors, in your experience, were keeping  
21 track of what was happening in the criminal courts in  
22 cases involving their detectives, correct?

23 A I don't know --

24 MR. BRUEGGEN: Object to form.

25 A Yeah, I don't know that it was necessarily

1 keeping track. I think a detective would come back and  
2 say, I -- I -- you know, I was annihilated on the stand  
3 because of ABC, and then that would kind of translate  
4 into roll call training. As -- when I was a deputy  
5 chief of detectives, when I got wind of things like  
6 that, I would try to make sure we integrated that into  
7 training for the new detectives as well. So again,  
8 there was this constant evolving of our -- our  
9 practices, whether it was documenting, interviewing,  
10 detention, you know, the -- we got annihilated on a  
11 civil suit for 48 hour -- for exceeding the 48 hours of  
12 -- of detention. That led to a new policy that, on 48  
13 hours, if the state won't charge, they walk out the  
14 door. That led to the duty judges. You know, the duty  
15 judges kind of evolved from that, where we could go to a  
16 duty judge and -- and -- and, you know, be able to  
17 detain somebody beyond that 48 hours. So there was --  
18 there was a -- just a constant updating of policies to  
19 try to do it better, to try to do it right, to -- to  
20 make sure that we didn't lose these cases in court, to  
21 make sure that we didn't expose detectives to -- to  
22 civil liability. So that was -- that was always  
23 ongoing.

24 Q And this -- and -- and these -- and these  
25 efforts to basically learn from what was happening in --

1 during criminal cases was something that supervisors  
2 were doing; is that right?

3 A Yeah. So then when it was brought back to  
4 their attention that -- that something happened, this --  
5 that was -- that was something that we tried to learn  
6 from and pass on at roll call. I don't know that it  
7 always translated into policy. Sometimes I'm sure that  
8 it did, with the 48-hour rule for example, translate  
9 into policy, so

10 Q When -- oh, go ahead.

11 A Yeah. So -- so it was -- you tried to learn  
12 from your mistakes. I mean, really that was -- that was  
13 what it was all about. Nobody was -- was trying to  
14 skirt the system or -- or get around things. You would  
15 -- you would lose and you would realize, here's why we  
16 lost, let's do it differently the next time. And -- and  
17 that was something that we were constantly doing within  
18 the detective division. Nobody wanted to see a murder  
19 offender walk out the door because of some documentation  
20 on paper that was -- was screwed up or -- or -- or, you  
21 know, some -- some misstep or, you know, you detained  
22 him too long and -- and now you -- he's going to be  
23 getting out. So there was -- or, you know, the evidence  
24 was not collected right, or you didn't preserve this --  
25 when DNA came around again, for example, the initial

1 collection of DNA, I think we learned from the OJ  
2 Simpson trial, had to be very, very carefully done. So  
3 there was always an effort to learn and improve.

4 Q So as -- if I understand correctly, so as a  
5 sergeant, lieutenant, and commander overseeing  
6 detectives, your experience is that there were times  
7 when the outcomes in criminal trials resulted in  
8 trainings for detectives; is that right?

9 A Yes. I think that's accurate. Yes.

10 Q And of course, the first step to that is the  
11 -- as a supervisor and as sergeants, lieutenants and  
12 commanders in the detective division, they were learning  
13 about these outcomes in criminal trials in order to be  
14 able to conduct trainings for their staff; is that  
15 correct?

16 A Yeah.

17 MR. BRUEGGEN: Object to form.

18 A Typically detectives would bring that  
19 information back and then that would be the subject of  
20 -- of roll call training, sometimes just within an area,  
21 sometimes much broader throughout the detective  
22 division. Sometimes it was incorporated into the  
23 training for new detectives, newly promoted detectives.  
24 Sometimes it was in-service training. So it took  
25 various forms, but it was -- it was -- it was a

1 constant. It was -- it was nonstop. There was always  
2 an effort to improve and not make the same mistake  
3 twice.

4 Q And that was inside --

5 MR. BRUEGGEN: Anand --

6 MR. SWAMINATHAN: Go ahead.

7 MR. BRUEGGEN: Good time for the break? You  
8 said two minutes --

9 MR. SWAMINATHAN: I said about two more  
10 minutes. Let's finish this line so that we're --  
11 that we can move on.

12 BY MR. SWAMINATHAN:

13 Q So one of the -- one of the things that would  
14 be a -- strike that. So if defendants were -- a  
15 defendant beat a case, basically, got an acquittal, that  
16 was the kind of information that detectives were  
17 bringing back to the sergeants, lieutenants and  
18 commanders that could result in some training; is that  
19 right?

20 MS. ROSEN: Objection, form.

21 MR. BRUEGGEN: Misstates his testimony, but go  
22 ahead.

23 A Yeah. I -- I don't know that that was what I  
24 was saying. I think that if you lost it because of  
25 something that we were doing, then we would -- you know,



1 sometimes you just lose a case. Sometimes the evidence  
2 isn't there or, you know, there's a multitude of  
3 reasons. But if it was -- it was an error on our part  
4 or something that we think we could do better, that's  
5 where the training came in.

6 Q Okay. And -- understood. Not every single  
7 case in which somebody beats --

8 A No.

9 Q -- results in a training, fair?

10 A Right.

11 Q But in some instances it would, correct?

12 A Right.

13 Q And so, one of the things that the supervisors  
14 were doing was keeping track, as a general matter, of  
15 what was happening in the criminal court so that they  
16 could conduct better training and improve practices  
17 within the department, correct?

18 MS. ROSEN: Objection, form.

19 A Yeah. I don't know that they were keeping  
20 track. I think it was -- it was just evolving if things  
21 evolved. I don't know that there was any keeping track.

22 Q Understood. If a motion to suppress a  
23 confession or statement was granted, is that the kind of  
24 thing that would be brought back to the supervisors to  
25 try to improve practices?

1 MR. BRUEGGEN: Objection.

2 MS. ROSEN: Form, foundation, hypothetical.

3 A Yeah. I -- again, that -- I think that's -- I  
4 think that's overstating or -- or -- or kind of broad  
5 for what I'm stating. It's -- it's where we took a hit  
6 for something that we either did or did not do.  
7 Sometimes a motion to suppress is successful for other  
8 reasons. But if it was an error on our part,  
9 documentation or whatever, those were the types of  
10 things that we could turn around and train detectives to  
11 not do again.

12 Q Information about Brady violations that were  
13 found in state court, was that the kind information that  
14 would come back to supervisors in order to improve  
15 practices?

16 MS. ROSEN: Object to form, foundation.

17 MR. BRUEGGEN: Incomplete hypothetical.

18 A Yeah. I --

19 COURT REPORTER: Counselors, I can't note both  
20 of your objections at the same time, so if you could  
21 please do one at a time. Thank you. Sorry to  
22 interrupt.

23 MR. SWAMINATHAN: Do one of you want to go  
24 ahead and repeat your objection?

25 MR. BRUEGGEN: Well, I --

1 MR. SWAMINATHAN: Why don't I -- why don't I  
2 strike the question. Let's -- I think I probably  
3 don't even remember what the question was. But  
4 let's take the break now. This is a perfectly good  
5 time.

6 MR. BRUEGGEN: All right. Give me a second  
7 here. Anand, can we do like a half-an-hour? Come  
8 back about --

9 MR. SWAMINATHAN: That makes sense.

10 MR. BRUEGGEN: -- 1:40-ish? Maybe a little  
11 before that?

12 MR. SWAMINATHAN: Yeah, perfect. Perfect.  
13 Thank you, everybody.

14 COURT REPORTER: We are now off the record, the  
15 time is 1:07.

16 (OFF THE RECORD).

17 COURT REPORTER: We are back on the record for  
18 the deposition of Anthony Riccio being conducted by  
19 videoconference. My name is Sydney Little. Today  
20 is May 18, 2022, and the time is 1:57 p.m.

21 BY MR. SWAMINATHAN:

22 Q Okay. Mr. Riccio did you have a chance to get  
23 some lunch?

24 A Yes, I did. Thanks.

25 Q Okay. And are you -- you're feeling ready to

1 keep going?

2 A I'm ready.

3 Q Okay. I asked you a number of questions about  
4 Reynaldo Guevara. What was your opinion of Rey Guevara  
5 as a detective when you worked with him?

6 A I rarely worked with Rey Guevara. He worked  
7 afternoons and I almost exclusively worked days and  
8 midnights, so I had very little contact with him.

9 Q So did you form any opinion about Rey Guevara?

10 A No, I really -- I really didn't.

11 Q Did you -- did Rey Guevara have any reputation  
12 that you knew of during the time you worked with him?

13 MR. BRUEGGEN: Object to form. Go ahead.

14 A None -- none that came to me. None that I was  
15 -- became aware of.

16 Q At any point prior to the time that you  
17 learned of the media -- from the media about allegations  
18 against Rey Guevara, did you have -- did he have a  
19 reputation that you knew of, of any kind?

20 MR. BRUEGGEN: Objection, form.

21 MS. MCGRATH: Objection, form.

22 MR. BRUEGGEN: Go ahead.

23 A No, he did not. Not that I'm aware of.

24 BY MR. SWAMINATHAN:

25 Q What opinion did you have of Ernie Halvorsen

1 based on your work with him as a detective?

2 A Same. I rarely worked with or saw Ernie  
3 Halvorsen because, again, he worked afternoons. I  
4 worked the day shift, sometimes the midnight shift. So  
5 the only time I would see either one of those guys is if  
6 I was working over from the day shift. Then I would --  
7 I would see them.

8 Q What reputation, if any, did Ernie Halvorsen  
9 have as a detective?

10 MR. BRUEGGEN: Object to form. Go ahead.

11 A Yeah, I don't -- I don't think I was really  
12 aware of a reputation for Ernie either. I really -- our  
13 paths didn't cross. I really had no opinion or -- or  
14 anything of him or Rey, either way.

15 Q Okay. I asked you some questions before the  
16 lunch break about the allegations of misconduct against  
17 Rey Guevara. And we talked about the idea that he was  
18 not a current employee at the time that you learned  
19 about these allegations of misconduct.

20 A Right.

21 Q I want to go back to that just very briefly.  
22 If Rey Guevara had been a current employee at the time  
23 you learned of the allegations of misconduct against  
24 him, what -- what could you or would you have done if  
25 you learned of those allegations?

1 MR. BRUEGGEN: Objection --

2 MS. ROSEN: Objection. Form, foundation,  
3 incomplete hypothetical.

4 A Well, if he -- if he had been a current  
5 employee at the time those allegations came out, there  
6 would have been a complaint registered against him,  
7 complaint register number, CR number, they call them,  
8 based on the allegations that were presented in the --  
9 in the media.

10 Q And then what would that have -- what would  
11 that have resulted in?

12 MR. BRUEGGEN: Objection, speculation.

13 A An investigation would've been conducted,  
14 either by internal affairs or whatever the independent  
15 investigating body is, COPA, IPRA, OPS, whatever it was  
16 at the time. And one of those agencies would've  
17 conducted an investigation into whatever the allegations  
18 against him were.

19 Q Okay. And would that have -- when those  
20 allegations came to light, would it be -- would it  
21 result in the opening of one CR or multiple for each  
22 separate instance of alleged misconduct?

23 MR. BRUEGGER: Objection, form.

24 MS. ROSEN: Objection. Form and foundation.

25 A The -- I -- I -- I actually -- the smartest

1 thing I could do is just tell you, I'm not certain. I  
2 -- I would just be guessing at any answer. Allegations  
3 from a particular complaint are all investigated  
4 together. If there's different complaints from  
5 different incidents, those would all be investigated  
6 together. So there could be multiple allegations from  
7 one incident, they would all be investigated together by  
8 the same body.

9 Q Okay. Are CRs ever opened for retired cops or  
10 former police officers?

11 MS. ROSEN: Objection. Form, foundation.

12 A No, they are not. Only current employees can  
13 be the subject of a CR investigation.

14 Q Okay. And we had talked earlier about the  
15 fact that any findings that had been reached by the  
16 Sidley Austin team were not shared with you regarding  
17 their finding as to Rey Guevara's abuse, correct?

18 MR. BRUEGGEN: Objection, form, misstates his  
19 testimony.

20 A I -- I --

21 Q Can I re-ask the question? Sorry. Was that  
22 unclear?

23 A No, no. I -- I -- I'm unaware of that  
24 investigation or any findings from that investigation.  
25 This -- this is the first I'm hearing of it.

1 Q Okay. If Rey Guevara had been a current  
2 employee, you expect that if there had been findings of  
3 misconduct by him, it would have been shared with you if  
4 there had -- if he had in fact been a current employee?

5 MR. BRUEGGEN: Objection. Form, foundation,  
6 and speculation.

7 A Yeah. Can you repeat the question actually?

8 Q Yeah. If there had been findings of  
9 misconduct by the Sidley Austin investigation against  
10 Rey Guevara and he was still a current employee at that  
11 time, do you then expect that you would've learned about  
12 those findings?

13 MR. BRUEGGEN: Objection, speculation,  
14 foundation, incomplete hypothetical. Go ahead, sir.

15 A Yeah. It -- it's hard to answer just based on  
16 that. It depends what those findings were. So really  
17 it's -- it's impossible to say whether or not they  
18 would've been shared with me.

19 Q Okay. Going back to the time that you were a  
20 commander overseeing detectives, so this is the period  
21 from in and around -- period of time between 2008 and  
22 2013. During that period, were there ever any instances  
23 when allegations of physical abuse or other misconduct  
24 were raised against detectives who were current  
25 detectives?



1 MR. BRUEGGEN: Object to foundation. Go ahead,  
2 sir.

3 A I don't recall. I would say in a -- in a time  
4 span that large, that that's probably a safe bet that  
5 there had to be some sort of allegations. I would say  
6 that they were rare. But again, I -- I couldn't say for  
7 sure that there were or were not any that occurred.

8 Q When there were allegations of misconduct  
9 during the course of homicide investigation, was that  
10 information supposed to be shared with you as the  
11 commander overseeing detectives?

12 MR. BRUEGGEN: Objection. Form, incomplete  
13 hypothetical, vague.

14 A Yeah. I mean, I hate to say -- the question  
15 just doesn't -- it's impossible to answer the way the  
16 question's presented. There's a lot of different  
17 scenarios that could -- could come into play where I  
18 would be notified as the commander. There's also many  
19 scenarios where I would not be notified. So it's  
20 impossible to really pin down an answer for you on that.

21 Q Thank you. When you were -- when you were a  
22 commander overseeing detectives, what were the  
23 circumstances in which allegations of misconduct against  
24 homicide detectives working under your supervision would  
25 have been, or should have been shared with you?

1 MR. BRUEGGEN: Objection. Form, foundation.

2 A If the allegations were not going to be  
3 investigated by the independent investigation agency,  
4 IPRA or COPA, and not going to be investigated by  
5 internal affairs, they would come to the unit to be  
6 investigated. In that case, they would come through my  
7 office as the commander, I would read those allegations,  
8 and then I would give them to a lieutenant, who in turn  
9 would assign it to a sergeant to conduct the initial  
10 investigation into the misconduct. So in those  
11 situations, I would be aware of it. The only other  
12 scenario that I could think of as I sit here is if the  
13 allegations were of something so egregious that it  
14 warranted some sort of immediate action. For example,  
15 the superintendent would be stripping someone of their  
16 police powers or something. Then it would -- it would  
17 also come to my attention at that point. The -- when an  
18 investigation was completed and there was a finding, if  
19 the finding required discipline of even a reprimand up  
20 to a suspension, that would also come to my attention.  
21 So there are times when, as the commander, you do know  
22 -- you become aware of allegations against officers.  
23 There are many times when there's allegations that you  
24 are not made aware of. There's also confidential  
25 investigations that are held by a very select small

1 group of people in internal affairs to investigate.  
2 Those obviously are not shared with anyone outside of a  
3 very small group of individuals.

4 **Q What are the circumstances in which**  
5 **investigations were not conducted by, you know, the**  
6 **internal affairs division or the civilian investigating**  
7 **body, whatever it was at that particular time, and**  
8 **instead would be assigned to the unit?**

9 MR. BRUEGGEN: Object to foundation, form. Go  
10 ahead.

11 A I actually don't know. That was like one of  
12 the -- the mysteries that we've never figured out. They  
13 simply elected not to investigate it, yet it warranted  
14 an investigation, so it would be sent to the unit. But  
15 I don't know -- I mean, you'd have to talk to someone in  
16 internal affairs as to why or why they didn't want to  
17 take on certain cases.

18 **Q And so if it came to the unit for you to**  
19 **assign as the commander, you would then assign it --**  
20 **would you then assign it to lieutenants or sergeants or**  
21 **what?**

22 A I would give it to the lieutenant in charge of  
23 that oversight office, and then he would assign it to  
24 the most appropriate sergeant. So if it was a -- a  
25 property crimes detective that was accused, I would give

1 it to the property crimes lieutenant. He would assign  
2 it to the most appropriate sergeant, which would most  
3 likely just be a sergeant from that watch that the  
4 detective worked, and that sergeant would conduct the  
5 investigation.

6 Q So the -- you said the investigations that  
7 were conducted by the -- strike that. The  
8 investigations that came to the units to be investigated  
9 would ultimately be investigated by individuals who were  
10 supervising the individual who was accused, correct?

11 MR. BRUEGGEN: Objection, form, misstates  
12 testimony. Go ahead.

13 A Generally, yes. But -- but like with  
14 everything else, there were -- there were exceptions. So  
15 not always, I would say.

16 Q But -- so the general rule was that you would  
17 assign the investigation to a supervisor who had  
18 supervisory authority over that particular individual,  
19 correct?

20 A Again, not necessarily that -- that person,  
21 but you would -- someone of that rank. It didn't have  
22 to be their supervisor. Occasionally it was,  
23 occasionally it was not. But definitely a person a rank  
24 above the accused. So it would normally be a sergeant  
25 investigating a detective.

1 Q And were there ever any steps to ensure that  
2 the individuals who were investigating officers were not  
3 the supervisors who work day-to-day with these  
4 detectives?

5 MR. BRUEGGEN: Object to form.

6 A No, there were not. In fact, that was  
7 oftentimes the most appropriate person because they had  
8 access to that person. They -- they worked the same  
9 hours and that was the person who would best be able to  
10 interview them and -- and get the information that they  
11 needed to conduct the investigation.

12 Q Did you ever have concerns about bias in  
13 having somebody who worked day-to-day with somebody also  
14 investigate them for misconduct?

15 A No. I didn't. And the reason was because  
16 that investigation had a lot of review and oversight. So  
17 when -- when the sergeant was finished with it, it went  
18 to the lieutenant, and the lieutenant reviewed it and  
19 had to sign off on it. And then it would come to the  
20 commander who would review it and sign off on it. And  
21 then it would go to internal affairs, and internal  
22 affairs would have to review and sign off on it. So  
23 there were a lot of eyes that looked at that  
24 investigation after the -- after the sergeant was  
25 finished with it. And any one of the people in that

1 chain had the ability to send it back for further  
2 investigation or pick up the investigation themselves if  
3 they felt it was warranted. So I wasn't -- I wasn't  
4 concerned about that.

5 Q During the time that you -- I'm changing gears  
6 here for a minute. During the time you were working as  
7 a homicide detective, did you ever get tips on a murder  
8 case from a confidential informant?

9 A How are you defining confidential informant?

10 Q It -- that is a term that is in the documents  
11 in this case, and so I'm using that term -- I'm simply  
12 repeating the term. But why don't you tell me if  
13 there's -- what that term means, or if there's a  
14 different term I should be using, just because I don't  
15 know how to define it.

16 A Sure. Well, there's confidential informants  
17 that -- that -- kind of a broad thing, and people use it  
18 differently. There's confidential informants who are  
19 actually registered by the department, and -- which  
20 means there's a database somewhere that they know who  
21 these individuals are, their -- their affiance on search  
22 warrants and things like that. Other people use the  
23 term confidential informant for a citizen who calls the  
24 area and says, hey, I -- I know who -- who did this  
25 shooting, or I know who broke into somebody's house. You

1 know, I have some information. Some people use it for a  
2 citizen who flags you down on the street and says, I  
3 don't want to get involved, but the guy standing over  
4 there is holding a gun, or the guy standing over there  
5 robbed the gas station yesterday. So it's -- it's kind  
6 of a wide range of -- people use that term kind of  
7 loosely. There's -- you know, I think if you want to  
8 break it down, there's cooperating individuals and then  
9 there's confidential informants. Cooperating individual  
10 may be anonymous, may not be anonymous, may be known  
11 just to the individual he provides to the officer, he  
12 provides the information to. So it really could run the  
13 gamut.

14 Q Okay. So let's start with -- so I think the  
15 terms you're using are confidential informant and  
16 cooperating individual, correct?

17 A I think that kind of separates the two groups  
18 the best, yes.

19 Q And the -- and the confidential informant is a  
20 person who is registered in a database within the  
21 Chicago police department and may be somebody who is --  
22 sort of somebody who is used regularly to help advanced  
23 cases, correct?

24 A Correct. Typically they're paid. They're  
25 very -- they're very controlled. And those individuals

1 are known, identified, and typically work with one  
2 particular officer all the time. They may call them up  
3 today and say, I know who broke into a house. They may  
4 call them tomorrow and say, there's three guns in the --  
5 in this guy's garage. So and so's driving a stolen car.  
6 So they provide -- regularly, I would say, they provide  
7 information to the police.

8 Q Okay. And those individuals are often paid  
9 compensation for that, correct?

10 A Correct.

11 Q Okay. And then separate from that, the  
12 cooperating individual is what you define more as  
13 somebody who - who is more just like an anonymous caller  
14 or somebody who stops you and says, hey, I have  
15 information in this one particular instance, but they're  
16 not people who are repeatedly involved in assisting  
17 investigations, correct?

18 A Correct. Sometimes they elect to be  
19 anonymous, sometimes they're okay with not being  
20 anonymous. They usually don't want to have any sort of  
21 formal role in the investigation like, you know, being  
22 on paper with the officer, going into court, testifying,  
23 but they're willing to provide some degree of  
24 information for detectives, or sometimes police officers  
25 to follow up or to advance an investigation.



1 Q Okay. All right. So let's start with the --  
2 with those definitions, let's start with the  
3 confidential informant idea --

4 A Okay.

5 Q -- with the definitions you've now given me.  
6 So did you ever get a tip on a murder case from a  
7 confidential informant as we defined it?

8 A As we defined it, no, I did not. I did not  
9 have any confidential informants working for me.

10 Q Okay. Did detectives have confidential  
11 informants that they would ever use in murder cases?

12 A I -- I -- I couldn't speak to that. I don't  
13 know of any personally. They may have, I don't know.  
14 That's a very confidential thing when you have a  
15 confidential informant. So that's -- it's not something  
16 you would share generally with someone outside of  
17 yourself and the -- the unit that maintains those --  
18 those names and the identities of those individuals. So  
19 I'm not aware of any. I'm certain there are, but I'm  
20 not aware specifically of anybody.

21 Q Were you -- were detectives trained on this --  
22 the idea that there was this, you know, ability to  
23 develop confidential informants and then have some  
24 resources available to try to have these individuals  
25 assist in investigations?

1 MR. BRUEGGEN: Object to form.

2 MS. ROSEN: Objection to foundation.

3 A I'm not -- I'm not sure of the training that  
4 would be involved in that.

5 Q Was the unit -- what was the unit that tracked  
6 this information, sort of in a registered database or so  
7 on?

8 MS. ROSEN: Objection, foundation.

9 A I don't even know the name of the unit that  
10 tracks them.

11 Q Okay. When you were working as a homicide  
12 detective, did you know that there was the ability to  
13 use confidential informants and have resources available  
14 to register and pay confidential informants?

15 MR. BRUEGGEN: Objection to form.

16 MS. ROSEN: Objection, foundation.

17 A I was aware of it. But again, I didn't have  
18 any, so I never made use of it.

19 Q Okay. When you were a homicide detective, did  
20 you ever learn of any instances in which your colleagues  
21 relied on a confidential informant to develop  
22 information in their investigation?

23 A Again, as I stated earlier, that -- it's a  
24 very confidential thing, so I -- I know that it was  
25 occurring, but I don't -- I -- I don't know any

1 specifics about who or when, or -- or anything of that  
2 nature.

3 Q Okay. And in those cases where there were  
4 confidential informants that a detective or any other  
5 officer was working with, that individual, you say,  
6 would be registered in a database. What do you mean by  
7 that?

8 MS. ROSEN: Objection, form, foundation, and  
9 misstates his -- his testimony. He hasn't said that  
10 any detectives used confidential informants as he  
11 defined it.

12 THE WITNESS: I'm sorry. Can you repeat the  
13 question?

14 BY MR. SWAMINATHAN:

15 Q Yeah. When somebody was -- you referenced the  
16 idea that there are confidential informants who were  
17 registered in a database, correct?

18 A Correct.

19 Q Okay. So what information is registered in  
20 the database for confidential informants?

21 MR. BRUEGGEN: Object to foundation.

22 A I don't know. I've -- I've never seen the  
23 database.

24 Q Did you have people who -- would you ever  
25 supervise individuals who, whether they were detectives

1 or patrol officers or tactical officers, who had the  
2 ability to be able to register people in this database  
3 of confidential informants?

4 MR. BRUEGGEN: Object to form, foundation. Go  
5 ahead.

6 A I don't know if -- I think anybody has the  
7 ability to register an informant. I -- I don't know  
8 that people under my command did or did not. I really  
9 don't know.

10 Q Was it your understanding that these  
11 individuals who were registered as confidential  
12 informants, that information about who they are, where  
13 they lived, that type of information was being tracked?

14 MS. ROSEN: Objection, foundation.

15 A I -- I -- I'm not sure I understand what you  
16 mean by the information being tracked.

17 Q What I simply mean is if you say, I have a  
18 confidential informant, somewhere within the CPD system  
19 they have the ability to identify the identity of who  
20 this person is, who is serving as a confidential  
21 informant, correct?

22 A Correct.

23 Q And that information may not be a -- may not  
24 be widely available, but there's some information that's  
25 being kept, you know, closely guarded within the Chicago

1 Police Department that specifically identifies who that  
2 person is who's serving as confidential informant,  
3 correct?

4 A Yes, that's correct.

5 Q Okay. And then information about the amount  
6 of money they're being paid is also being tracked,  
7 right?

8 MR. BRUEGGEN: Object to foundation. Go ahead.

9 A I -- I don't know if it's being tracked or  
10 not. I would assume that it is, but I -- I don't know.

11 Q Okay. Now, one of the reasons that it's  
12 important to track information like that is because it  
13 can be relevant in any subsequent investigations or  
14 prosecutions to know what somebody has been paid to  
15 provide certain information, correct?

16 MS. ROSEN: Objection, foundation.

17 MR. BRUEGGEN: Objection, form.

18 A I -- I don't know that that's correct.

19 Q Okay. To the extent there was information --  
20 no, strike that. To the extent a registered  
21 confidential informant was being given access to  
22 financial resources or any other forms of benefits, was  
23 that information tracked as part of the registered  
24 database?

25 MS. ROSEN: Objection, foundation.

1 MR. BRUEGGEN: Asked and answered. Go ahead,  
2 sir.

3 A Were that information what? I -- you kind of  
4 broke up --

5 Q Was that information being tracked, any  
6 financial payments or other forms of benefit for the --  
7 for a given confidential informant?

8 MR. BRUEGGEN: Foundation, asked and answered.  
9 Go ahead.

10 A Yeah. Again, I've never seen the database, so  
11 I -- I can't say what's in it or not in it.

12 Q Okay. And ultimately, what is your  
13 understanding of why there was a need to track or  
14 register confidential informants?

15 MR. BRUEGGEN: Objection, foundation.

16 A I -- I don't -- I don't -- I -- I can't answer  
17 that. I don't know.

18 Q Okay. Now, in terms of cooperating  
19 individuals, you identified, you know, these individuals  
20 -- well, strike that. For cooperating individuals, was  
21 there any form of tracking or maintaining of information  
22 about who these individuals were?

23 A Not that I'm aware of.

24 Q If a detective said -- you know, spoke to  
25 somebody and they had information about an

1 investigation, but said, hey, I don't want, you know, to  
2 be going to court and all those things, that person is  
3 essentially saying, I want to remain anonymous, correct?

4 A Oftentimes yes, they want to be anonymous.  
5 Yes.

6 Q Okay. And then where that individual wanted  
7 to remain anonymous, what would be done as a detective  
8 in terms of gathering their information but, you know,  
9 trying to honor their desire for anonymity?

10 MR. BRUEGGEN: Object to form. Vague.

11 A I think it really varied by the circumstance.  
12 Sometimes people would just come up to you and provide  
13 you information. They said, I don't want to get  
14 involved, so you don't know their name, you don't -- you  
15 don't know anything about them. Many times it was a  
16 phone call placed to the area. I'd like to talk to the  
17 investigator who's investigating case ABC, and then they  
18 would provide information to that detective. So it --  
19 it took a lot of different forms. Typically though,  
20 cooperating individuals want to be anonymous, and it's a  
21 one-time shot. They provide you information and then  
22 they're gone.

23 Q And was the expectation that you try to get  
24 their name or contact information for them?

25 A At least --

1 MR. BRUEGGEN: Object to form.

2 A I'm sorry. You'd always want to try to get  
3 the information in case you needed to -- to run  
4 something else past them or ask them some additional  
5 questions. But, you know, I think it was rare that  
6 somebody who was cooperating under those circumstances  
7 would want to provide a cell phone number or a home  
8 address or a name or anything like that. But I think  
9 detectives did, for the most part, make an effort to try  
10 to get identifiers so you can always go back to that  
11 person if you had more questions. But it was rare that  
12 somebody in that predicament would want to provide that  
13 information.

14 Q Okay. And where -- a -- so a detective was  
15 expected to try to get that information if they could  
16 get it from the person, correct?

17 A Correct.

18 Q And if they got that information, the  
19 expectation was that they would write that down,  
20 correct?

21 MR. BRUEGGEN: Objection. Form, incomplete  
22 hypothetical.

23 A Correct.

24 Q Okay. And could that be information that  
25 wouldn't necessarily need to go into a typed



1 supplementary report, but would -- but the documentation  
2 would be maintained somewhere so that it could be  
3 available for later?

4 MS. ROSEN: Objection.

5 MR. BRUEGGEN: Objection, form, foundation.

6 A Yes. But I think we're kind of getting into  
7 the area now -- we're getting away from cooperating  
8 individuals into witnesses. So a cooperating individual  
9 typically does not want to provide any information that  
10 would enable a detective to recontact them.

11 Q When -- did you have instances when someone  
12 would call into the area and would say, hey, I have some  
13 information or I have a tip, but it was coming into like  
14 a general number, it wasn't coming to the specific  
15 detective on the case?

16 A Yeah. I would say that was probably almost a  
17 daily occurrence.

18 Q Okay. And so, when you had -- when tips came  
19 into the detective division areas, you know, a caller --  
20 strike that. Somebody calls in and says, hey, I have a  
21 tip on a case, and they provide that information. Would  
22 the expectation be that information is then passed to  
23 the detectives who are assigned to the case?

24 A Yes.

25 Q Okay. And how would that information get

1 from, you know, the general number of someone calling  
2 into the area to the detectives assigned to case?

3 MR. BRUEGGEN: Objection, foundation,  
4 incomplete hypothetical. Go ahead.

5 A So it varied. I mean, in my time in the  
6 detective division, if somebody called up and said they  
7 had information on a particular case, that call was  
8 routed to the most appropriate person. If the detective  
9 assigned to that case was working, the phone call would  
10 go to them. If their partner was working, phone call  
11 would go to their partner. Sometimes the detectives  
12 were out on the street, and you have to remember this  
13 was before there was wide use of cell phones or  
14 anything, sometimes the desk officer would say, there's  
15 nobody here. Let me take the information. And they  
16 would jot down the information and forward it to the  
17 appropriate detective, or they would transfer the call  
18 into the detective's sergeant, and the sergeant would  
19 then take that information. So it really ran the gamut.  
20 Ideally, you want to give it to the most appropriate  
21 person. Sometimes the most appropriate person is just  
22 the guy working the desk or -- or the detective's  
23 supervisor.

24 Q Okay. So one of the ways in which those tips  
25 would get to the detective would be through the

1 supervisor if the detective is not there that day,  
2 correct?

3 A It is one of the possibilities. Yes.

4 Q And then the sergeant would pass that  
5 information on to the detective, correct?

6 A That's correct.

7 Q Okay. And the expectation would be that any  
8 information learned from the confidential informant was  
9 ultimately being documented, either by the supervisor  
10 who took the call or by the detective, correct?

11 A That's correct.

12 Q Okay. And all of the information learned from  
13 that confidential informant, to whatever extent that  
14 was, would be documented, correct?

15 MS. ROSEN: Objection, form. You're using  
16 confidential informant --

17 MR. SWAMINATHAN: Oh, I'm sorry.

18 MS. ROSEN: -- and I thought we were talking  
19 about cooperating individual.

20 MR. SWAMINATHAN: I'm sorry. Let me re-ask the  
21 question, because I did not mean to --

22 MS. ROSEN: I think you did it the last -- the  
23 prior question too.

24 BY MR. SWAMINATHAN:

25 Q Okay. All right. Thank you. If information

1 was learned from a cooperating individual, that -- the  
2 expectation was that information was being documented,  
3 whether that was being done by the sergeant who took the  
4 call or the detective who took the call, correct?

5 A Yes, that's correct.

6 Q Okay. And when -- I think you indicated that  
7 when calls came in like this from potential cooperating  
8 individuals, the expectation was to try to gather as  
9 much information as possible from that person, correct?

10 A Yes. That would be the -- that would be the  
11 objective. Yes.

12 Q Okay. And if the person was -- and the  
13 expectation was to try to get names and contact  
14 information, if you could get it, correct?

15 A Yes, that's correct.

16 Q And if you could, that had to be documented,  
17 correct?

18 MR. BRUEGGEN: Object to form.

19 A Yes, that's correct.

20 Q And was the expectation to try to get  
21 information to test the veracity of, you know, the  
22 information that was coming in?

23 MR. BRUEGGEN: Object to form.

24 A I'm sorry, can you repeat that?

25 Q Yeah. I was asking about testing the

1 veracity, by which I mean trying to get some information  
2 about why does this person claim to know this  
3 information, is this information credible, that kind  
4 thing. So let me ask -- let me re-ask the question with  
5 that clarification. Was the expectation that when these  
6 kinds of calls came in from cooperating individuals,  
7 that questions were asked to try to assess the  
8 credibility of the information that was coming in?

9 A So, I mean, obviously I can't speak for anyone  
10 but myself, but I would say that in -- in my situation,  
11 that would be something that I would -- I would want to  
12 know how -- you know, how is it that you came to be in  
13 possession of this information? Did you witness it, did  
14 you hear it secondhand, did your girlfriend tell you?  
15 Whatever. So yeah, I -- I would say that, you know, you  
16 would want to find that out. Now again, somebody who  
17 doesn't want to be identified is probably not going to  
18 be real forthcoming with how they came to be in  
19 possession of that information, but occasionally it did  
20 happen.

21 Q Okay. And ultimately, as you indicated,  
22 oftentimes you know with a cooperating individual that  
23 it may be a one -- you may have one shot at it, right?

24 A That's correct.

25 Q And so the -- was it the -- was it your -- was

1 the expectation that you try to get as much information  
2 as you can about what they know and how they know it in  
3 that first call?

4 A Yes. Because there's a good chance there may  
5 not be a second call. So you do your best. Some people  
6 are more talkative than others and provide a greater  
7 level of detail. Others would say what they had to say  
8 and simply hang up on you.

9 Q Yeah. Okay. And then whatever that level of  
10 information was that you ultimately were able to extract  
11 from the individual needed to be documented, correct?

12 A That's correct.

13 Q Okay. Were efforts ever made to identify  
14 confidential informants, even, you know -- even after  
15 they indicated they didn't want to give you their name  
16 or information, you might -- we'll strike that. Let me  
17 ask you a better question. And I -- I switched to  
18 confidential informant again. So I think Eileen was  
19 going to remind me, thank you. Were there efforts ever  
20 made to identify, for example, based on the incoming  
21 phone number, the identity of a cooperating individual?

22 MR. BRUEGGEN: Objection, foundation. Go  
23 ahead.

24 A You know, again --

25 MS. ROSEN: At what point in time?

1           **Q     Yeah. I'm asking during the time that you**  
2 **were a detective.**

3           A     So I don't even know if there was caller ID  
4 when I was a detective. So I -- I -- I don't think I  
5 can answer that because I don't recall if there was  
6 caller ID. And again, I can only speak for myself. I  
7 don't know that I spent too much time trying to identify  
8 the cooperating individual as I did trying to  
9 investigate the lead that the cooperating individual  
10 provided.

11          **Q     All right. Let me show you a document we'll**  
12 **mark as Exhibit 1.**

13                   (EXHIBIT 1 MARKED FOR IDENTIFICATION)

14          A     Sure.

15               MR. BRUEGGEN: And Anand, we have hard copies  
16 of them, so can I give him the hard copy? That  
17 would be easier for him to look at.

18 BY MR. SWAMINATHAN:

19          **Q     Yep, you can do that. So why don't we take a**  
20 **look at the clear closed report? So this is --**

21               MS. ROSEN: Did you circulate exhibits, or no?

22               MR. SWAMINATHAN: What's that?

23               MS. ROSEN: Did you circulate exhibits or no?

24               MR. SWAMINATHAN: Yeah. Margaret sent them  
25 earlier.

1 MS. ROSEN: Okay. Thanks.

2 MR. SWAMINATHAN: I can also pull them up on  
3 the screen. You tell me. If that's easier, we can  
4 just do that?

5 MR. BRUEGGEN: Anand, if you just throw it up  
6 on the screen, so we make sure we're on -- literally  
7 on the same page. Then you take it down and you can  
8 refer to a hard copy.

9 BY MR. SWAMINATHAN:

10 Q Okay. Let me just pull it up here. Okay. I'm  
11 going to pull up RFC Iglesias 10 through 13, but let put  
12 it up on the screen. All right. Do you see the screen  
13 now Mr. Riccio?

14 A Yes, but you know what? I'm going to wait for  
15 the hard copy, because that's like a lot smaller than my  
16 eyeballs.

17 Q Yeah. Okay.

18 A Okay. Yes. I -- I do see it.

19 Q Okay. What I'm showing you is a document I've  
20 marked as Exhibit 1 to your deposition. It's RFC  
21 Iglesias -- oh, sorry. Let's use the copy that said RFC  
22 Iglesias 90, so go to 90.

23 A Okay.

24 Q What I've marked as Exhibit 1 is RFC Iglesias  
25 90 through 93. And if you look at the first page, it's



1 identified as a Chicago Police Department Supplementary  
2 Report, and at the bottom, it has a date of submission  
3 of June 24, 1993. Do you have that document in front of  
4 you, sir?

5 A I got June 20 -- oh, I'm sorry. Yes. Okay. I  
6 see it. Yes.

7 Q Yeah. Okay.

8 A Yes.

9 Q All right. Is this a document -- why don't  
10 you take a chance to go through the -- just take a leaf  
11 through this document. First let me know if this is the  
12 document you reviewed in preparation for today's  
13 deposition?

14 A No, this is not the document that I reviewed.

15 Q Okay. So let start on the first page.

16 A Okay.

17 Q So looking at the first page, RFC Iglesias 90?

18 A Yes.

19 Q The top or first page of the supplementary  
20 report, you see it indicates that an individual named  
21 Geraldo Iglesias is in custody. You see that?

22 A Yes, I do.

23 Q Okay. Then at the bottom of the page, it  
24 lists the names of four detectives?

25 A Yes.

1 Q Can you identify who the four detectives are,  
2 who are listed there?

3 A Halvorsen, Guevara, myself, and Gawrys.

4 Q Okay. Did you sign this report?

5 A No, I did not.

6 Q Okay. That signature that's there on the  
7 bottom left-hand side, that's not your signature,  
8 correct?

9 A Correct. That's Ernie Halvorsen.

10 Q Okay. And if you look at page 4 of this  
11 document, the last page, which is RFC 93?

12 A Okay.

13 Q It indicates there the names of two detectives  
14 at the very end, Ernie Halvorsen and Rey Guevara. Do  
15 you see that?

16 A Yes, I do.

17 Q Okay. So they're listed at the end of this  
18 report, but -- and you are not listed at the end of this  
19 report, correct?

20 A Correct.

21 Q So why is that?

22 MR. BRUEGGEN: Object to foundation,  
23 speculation. Go ahead.

24 A I did not author the report.

25 Q Okay. And if you didn't author the report,

1 why is your name listed on the first page of the report?

2 MR. BRUEGGEN: Object to foundation,  
3 speculation. Go ahead, sir.

4 A Yeah, I -- all I could do is speculate just  
5 because I helped out with the arrest and the lineups.

6 Q Okay. So you did not have any involvement in  
7 drafting this report; is that right?

8 A That's correct.

9 Q Did you review this report before it was  
10 submitted?

11 A No, I did not.

12 Q Okay. All right. Let's take a look at the  
13 second page of this document, RFC Iglesias 91?

14 A Yes.

15 Q Okay. It lists their arresting detectives  
16 near the top of the page and it lists Mr. Halvorsen,  
17 Guevara, Riccio, and Gawrys. Do you see that?

18 A Yes, I do.

19 Q Okay. Does that provide you with any  
20 indication about what your role was in this  
21 investigation?

22 A It -- it does, yes. That was, as I stated  
23 earlier, we provided backup to Halvorsen and -- we being  
24 myself and Gawrys, provided backup to Halvorsen and  
25 Guevara when they affected the arrest.

1 Q Okay. Do you see under the notifications, it  
2 lists ASA Mike Latz, felony review?

3 A Yes, I do.

4 Q Okay. Did you have any conversations with  
5 ASA Mike Latz about the Roman homicide investigation?

6 A No, never did.

7 Q Okay. Do you recall having any interactions  
8 with him at all during the course of your involvement in  
9 this investigation?

10 A No. I never spoke to him.

11 Q Do you know what investigative steps Mr. Latz  
12 participated in or did not participate in during this  
13 investigation?

14 A No, I do not.

15 Q Okay. If you look at the first paragraph of  
16 the narrative that begins "on 21 June, '93," do you see  
17 that?

18 A Yes, I do.

19 Q Okay. It says there that the reporting  
20 detectives -- we'll strike that. It says "R/DETS,"  
21 which is a reference to the reporting detectives,  
22 correct?

23 A That's correct.

24 Q Okay. And so when it makes reference to the  
25 reporting detectives, who is it referring to in this

1 report?

2 A Halvorsen and Guevara.

3 Q Okay. So you are not one of the reporting  
4 detectives on this report; is that correct?

5 A That's correct.

6 Q Okay. And the fact that your name is listed  
7 on the first page, along with Guevara and Halvorsen,  
8 does that indicate that you were one of the reporting  
9 detectives on this case?

10 A No. I think they were just giving us credit  
11 for assisting.

12 Q Okay. And so, is it the -- the reason --  
13 well, strike that. Reporting detectives, would it be  
14 fair to say, is a reference to the two detectives who  
15 have authored this report as listed on the last page of  
16 the report?

17 A Yes. I -- that would be accurate. Halvorsen  
18 and Guevara.

19 Q Okay. All right. So it says here the  
20 reporting detectives were contacted by a confidential  
21 informant who is a member of the Imperial Gangsters  
22 street gang. So let's pause there for a second. You  
23 see where I'm looking, sir?

24 A Yes, I do.

25 Q Okay. And when it says the reporting

1 detectives were contacted by a confidential informant,  
2 you are not one of the reporting detectives who was  
3 contacted by a confidential informant, correct?

4 A Correct. I was never contacted by anyone  
5 regarding this case.

6 Q Okay. And the reference to a confidential  
7 informant here, does that appear to you to be a  
8 confidential informant as you've defined it or a  
9 cooperating individual as you have described -- defined  
10 it?

11 A I -- I would have to speculate because I  
12 really don't know if the individual who contacted them  
13 was, as we defined it, a confidential informant or was a  
14 cooperating individual.

15 Q Okay.

16 A The only -- the only thing I can add to that  
17 is -- excuse me -- they know that this individual who  
18 contacted them who they're calling a confidential  
19 informant -- they know that he or she is a member of the  
20 Imperial Gangster street gang. So, you know, you can  
21 infer from that what you will. I -- it -- I don't know  
22 if that means he's a confidential informant, someone  
23 that they've registered or someone they've worked with  
24 before, or if this is strictly someone who called up  
25 with information. I -- I wouldn't be able to answer

1 that.

2 Q Okay. And have you seen any -- well, strike  
3 that. Do you know who the individual is who's referred  
4 to here as the confidential informant on RFC Iglesias  
5 91?

6 A No. I have never known that information.

7 Q Okay. And I think you answered my next  
8 question. Have you ever known who the person was who  
9 was the confidential informant referenced on this page?

10 A No, I have never known.

11 Q Did Ernie Halvorsen or Rey Guevara ever tell  
12 you any information about who their confidential  
13 informant was?

14 A No. In fact, I was not even aware that a  
15 confidential informant provided information on this.

16 Q Okay. Is it your understanding that -- well,  
17 strike that. Are you aware of any documentation that  
18 was ever created to provide information about who this  
19 confidential informant was?

20 A No, I am not.

21 Q Okay. And if you had received information  
22 from a confidential informant or cooperator --  
23 cooperating individual in this case, that -- you  
24 would've written down any information you received from  
25 that individual, correct?

1 MR. BRUEGGEN: Object to form. Vague.

2 A Again, I -- I -- I think we talked about this  
3 a little earlier. Not necessarily. It depends on the  
4 level of detail that that cooperating individual or --  
5 or confidential informant provided. If it was something  
6 very simple, like this narrative says, people in the  
7 gang were talking about Snake killing a girl in a car at  
8 Sawyer and Palmer. I don't know that I would've written  
9 that down on a GPR. It would've been part of a  
10 supplementary report, certainly, but I don't know if I  
11 would've taken notes. I believe your question was about  
12 notes. I don't -- I don't know that I would've taken  
13 notes about that.

14 Q Fair point. So I think -- and I didn't mean  
15 to ask it that way. I guess what I mean is, if you had  
16 received the -- a call under this -- on -- strike that.  
17 If you had been the person who received this  
18 information, you would have documented, either in a GPR  
19 or a supplementary report, all of the information you  
20 learned about who that confidential informant was and  
21 what they knew, correct?

22 A Yes, that's correct. Yes.

23 Q Okay. Now, if you look at the next paragraph?

24 A Uh-huh.

25 Q It says, "the reporting detectives had



1 previous contact with the member of the Imperial  
2 Gangster street gang with the nickname of Snake." You  
3 see that?

4 A Yes.

5 Q Did you ever have any previous contact with a  
6 member of the Imperial Gangsters street gang with the  
7 nickname of Snake?

8 A No, I --

9 MR. BRUEGGEN: Object to foundation. Sorry.

10 A No, I never did. I never heard of Snake.

11 Q Okay. They indicate -- the report indicates  
12 that they knew that Snake was, in fact, Geraldo  
13 Iglesias. Had you had any previous contact with a  
14 member of the Imperial Gangsters named Geraldo Iglesias?

15 A No. I had never had any contact with him,  
16 that I'm aware of anyway.

17 Q Okay. And so, were you a person who was able  
18 to connect the name Snake to Geraldo Iglesias?

19 A No, I was not.

20 Q Okay. It indicates that the reporting  
21 detectives had a Polaroid photo of Iglesias. Did you  
22 have a Polaroid photo of Iglesias?

23 A No, I did not.

24 Q Do you know where the Polaroid photo came from  
25 that they had of Iglesias?

1 A No, I do not.

2 Q And in this paragraph, the reference to the  
3 reporting detectives again, is a reference to Rey  
4 Guevara and Ernie Halvorsen; is that correct?

5 A Yes. Any -- any reference in this report that  
6 says reporting detectives would be Halvorsen and Guevara  
7 only.

8 Q Okay. Okay. Did you keep any Polaroid photos  
9 of known gang members when you were detective?

10 A No. No, I did not.

11 Q Did you -- were you - did you know of other  
12 detectives who kept photos of known gang members?

13 A It was a long time ago. I'm going to go with  
14 no, but I -- I mean, at the time there may have been,  
15 but not that I recall.

16 Q Okay. Did you have access to a -- to a  
17 Polaroid camera in the police department?

18 A Yes.

19 Q Okay. And what did you use the Polaroid  
20 camera for?

21 A Photographing evidence. At scenes  
22 occasionally that would be secondary to the evidence  
23 technician. Sometimes -- because back then it was all  
24 done on film. It had to be developed. It took time and  
25 then it took time to get those pictures. So a lot of

1 times you would take Polaroid photos of the scene and  
2 use those to show the state's attorney or other  
3 detectives in -- in conducting your investigation. So  
4 it had some use back then when everything else was still  
5 in film and there was lengthy delays before you could  
6 actually get the photos.

7 Q Okay. The next paragraph says that on  
8 June 22, 1993, Detectives Halvorsen and Guevara  
9 interviewed eyewitness Rosendo Ochoa. Do you see that?

10 A Yes, I do.

11 Q Did you participate in any way in the  
12 interview of Rosendo Ochoa?

13 A No, I never interviewed anyone from this case.

14 Q Okay. It says that Mr. Ochoa stated that he  
15 got a good look at the shooter's face and would be able  
16 to identify him if he saw him again. You see that?

17 A Yes, I do.

18 Q Did you participate in any conversation with  
19 -- in which Mr. Ochoa said that?

20 A No. Again, I never interviewed anyone in this  
21 case.

22 Q Okay. We talked earlier about interviewing of  
23 witnesses at the scene. Do you recall that?

24 A Yes, I do.

25 Q And when you conducted scene interviews of

1 witnesses, the primary purpose was to develop as much  
2 information you could about what that person might know  
3 about the underlying crime, correct?

4 A That's correct.

5 Q Okay. When you interviewed -- I asked these  
6 same questions to Detective Santapadre. When you  
7 interviewed scene witnesses, was your practice to try to  
8 gather as much information as you could from that person  
9 about what they saw and heard?

10 A Yes.

11 Q Okay. And in doing so, would you gather as  
12 much information as you could about whether that  
13 individual might be able to identify the perpetrator?

14 A Yes.

15 Q And when you conducted interviews with scene  
16 witnesses, would you ask those individuals if they  
17 believed they got a good enough look to be able to  
18 identify the perpetrator?

19 A As a practice, I would not. I don't know that  
20 that was everybody's practice, but I -- I would not.

21 Q And during -- was it your practice to  
22 determine, as you were interviewing these individuals,  
23 whether you believed they had gotten a good enough  
24 opportunity to be able to identify the perpetrator?

25 MR. BRUEGGEN: Object to form.

1           A     I think that you could kind of make that  
2     assumption, make that leap, that based on what they told  
3     you, they -- they may or may not be able to identify the  
4     offender. I never like to put that down on paper  
5     because sometimes people are reluctant to say that they  
6     could. So I never -- I never liked to lock anyone in by  
7     saying that in an initial scene supp.

8           Q     Okay. So if the person provided you with  
9     information indicating whether or not they thought they  
10    could make an identification, would you put that down?

11          A     If someone told me that, yes. But again, I  
12    don't -- I don't -- in -- in a lot of interviews, I  
13    don't think anyone ever said that to me. But if they  
14    were to say that to me that, I could recognize them if I  
15    saw him again, I would certainly document it. Yes.

16          Q     Okay. And if the person told you, I didn't  
17    get a good enough look at the person's face, would you  
18    also document that?

19          A     I would document that as well. But again, I  
20    would never ask that question of any witness. "Could you  
21    identify him if you saw him again? I would never ask  
22    it. If it was something they volunteered as part of  
23    their statement, I would certainly put it in my supp to  
24    -- to be thorough, but that was not something that I  
25    would ever ask a witness.

1 Q Okay. And how would you decide -- if you  
2 didn't ask witnesses that, how would you decide whether  
3 or not to show photos, for example, of a -- of a  
4 potential suspect to a witness?

5 MR. BRUEGGEN: Objection, form. Incomplete  
6 hypothetical. Go ahead.

7 A That was the -- that was the reason I didn't  
8 ask. I -- I just operated under the assumption that if  
9 you're listed as a witness, then we develop a suspect,  
10 I'm going to show you a photo spread.

11 Q Okay.

12 A So, you know, at that time they may say, I  
13 never really got a good look at his face. Or, you know,  
14 maybe they wouldn't and they would view the photo  
15 spread. But as -- as a practice, I never liked to do  
16 that simply because I didn't want to rule anybody out as  
17 a witness or, you know, lock anybody in as an  
18 eyewitness.

19 Q All right. And in terms of -- so then, if I  
20 understand correctly, once you developed a perpetrator  
21 -- strike that. Once you developed a suspect, your  
22 practice was to show that suspect to anybody who was a  
23 scene witness, who had some viewing opportunity; is that  
24 right?

25 MR. BRUEGGEN: Objection, form. Misstates his

1 testimony.

2 A That's correct, yes.

3 Q Rather than have people tell you themselves  
4 whether or not they think they got a good enough view to  
5 be able to make an identification, you would rather just  
6 show them the photos and see if they're able to make the  
7 identification or not, correct?

8 A Yes, that's accurate.

9 Q Okay. All right. And so, in your -- during  
10 the time that you were serving as a homicide detective,  
11 was it common for you to show photos to -- of suspects,  
12 to individuals and have them say, sorry, I didn't get a  
13 good enough view, I can't make an identification?

14 MR. BRUEGGEN: Objection, form, foundation.

15 Anand, are you saying photos or photo?

16 MR. SWAMINATHAN: Photos.

17 MR. BRUEGGEN: Photos?

18 A A photo -- a photo array, a photo spread  
19 you're talking about? Yes.

20 BY MR. SWAMINATHAN:

21 Q I'm referring to a photo array. Yeah.

22 A Yes. Yeah. It -- it was not uncommon to show  
23 a photo array to someone who was a witness and have them  
24 say, I never really got a good look at his face, so I  
25 can't pick anyone out. Yes, that -- that was not

1 uncommon.

2           **Q     And in terms of photo arrays versus lineups,**  
3 **what were the circumstances in which you'd conduct a**  
4 **photo array as opposed to a lineup?**

5           A     You know, that's -- it -- it really varied.  
6 Certainly when a person was in custody, you would show  
7 the physical lineup. Sometimes state's attorneys would  
8 require you to do both, regardless of custody. So it  
9 really kind of varied. If someone was not in custody  
10 and you had a suspect, you would certainly show the  
11 photo array to develop as part of your probable cause to  
12 make an arrest. But there were times when state's  
13 attorneys wanted, even when someone's in custody, wanted  
14 you to show a photo array as well as a physical lineup.  
15 And again, this goes back 30 years ago, but that was the  
16 -- that was the requirement sometimes of the state's  
17 attorney's office.

18           **Q     Excuse me. In your practice, if you had**  
19 **somebody in custody, would you have witnesses view a**  
20 **photo array, or would you have them view a lineup?**

21           A     Well again, if they're in custody on a -- a  
22 felony, you're working with felony reviews, so you would  
23 have to -- if they've already seen a photo array, then  
24 you would just let them see the physical lineup. If  
25 they hadn't, you would have to defer to the state's



1 attorney. And I think different state's attorneys did  
2 -- had different requirements on -- on different days.  
3 So sometimes even though somebody was in custody,  
4 state's attorney would say, show them a photo array.  
5 Others would say, just show them the physical lineup. So  
6 you had to work with the state's attorney to get charges  
7 and kind of defer to their -- their requirements.

8 **Q There were times when you would have**  
9 **individuals in custody where you had not called felony**  
10 **review yet, correct?**

11 A Yes. I mean, you'd get them in custody, but  
12 you would almost immediately call felony review because  
13 they would come in and they would, you know, weigh in  
14 heavily on what additional investigative steps they  
15 wanted prior to approving charges. So it was -- it was  
16 relatively soon after you had somebody in custody that  
17 you would contact them. Circumstances differed on -- on  
18 different -- different cases, but it was usually a  
19 pretty quick notification of felony review. In fact,  
20 they -- they would get kind of upset if you waited too  
21 long to bring them in on something.

22 **Q Well, in this case, for example, according to**  
23 **the report, felony review wasn't -- you know, the**  
24 **lineups were conducted with Rosendo Ochoa before felony**  
25 **review was ever called, correct?**

1 A I -- I don't remember.

2 Q Okay. I mean, but you -- as a detective,  
3 there would be times when you have somebody in custody  
4 and you would be making a determination about whether to  
5 show a photo array or whether to show a lineup, and that  
6 would -- and that would happen before you have felony  
7 review coming in, correct?

8 A On occasion that was the case. On occasion it  
9 was not, so --

10 Q And when you -- oh, I'm sorry. I didn't mean  
11 cut you off.

12 A No, I was just going to say, it worked both  
13 ways. There were times when felony review would tell  
14 you to do it. There was times when felony review would  
15 tell you not to do it. Sometimes they were not there  
16 and you made the decision. It really varied.

17 Q And when you were making that decision on your  
18 own and you had somebody in custody, would you conduct  
19 photo arrays, or would you conduct lineups?

20 MR. BRUEGGEN: Objection, incomplete  
21 hypothetical.

22 A Yeah. It's difficult to say. The  
23 circumstances of each case are very different, the  
24 witnesses are very different, so it would be difficult  
25 to say like hard and fast, whichever -- whichever path

1 you would take. And again, we're talking about the  
2 detective division 30 years ago versus the detective  
3 division now.

4 Q Yeah. So the -- back again, when you were a  
5 detective at that time, did you ever have -- well,  
6 strike that. When you were a detective, what were the  
7 kind of circumstances in which you'd have as -- a  
8 suspect in custody, but you'd show a photo array to the  
9 witness rather than have them view the lineup?

10 A I don't recall. I mean, from 30 years ago, it  
11 -- it would be impossible for me to try to recall a  
12 situation where I would do that.

13 Q Okay. And during the time that you were  
14 serving as a detective, were there concerns about  
15 tainting the possible outcomes of lineups by showing  
16 individuals photos beforehand?

17 A I -- I don't --

18 MR. BRUEGGEN: Objection. Wait, when you say  
19 photos, are you talking about photo array or are you  
20 talking about, you know, an individual photo  
21 suspect? I just want to make sure it's clear what  
22 you're asking him.

23 BY MR. SWAMINATHAN:

24 Q I'm talking about photos generally, whether  
25 it's in the form of an individual photo or multiple

1 photos in the form of an array. Any time you show  
2 somebody a lineup, do you agree if that person has seen  
3 a photo of the person who's going to be in the lineup  
4 before that, it has some impact -- it can have an impact  
5 on the lineup, correct?

6 MS. ROSEN: Objection. Form, foundation.

7 A Yeah. I -- I really don't know. I -- I -- I  
8 couldn't answer that question.

9 Q Were detectives trained that they should try  
10 to avoid having a person view a photo of their suspect  
11 right before they go in and view a lineup containing the  
12 same suspect?

13 MS. ROSEN: Objection. Form, foundation.

14 A I -- I don't recall the detective training.

15 Q Okay. Was -- when you practiced as a  
16 detective, did you ever have concerns about showing a  
17 witness a set of photos containing your suspect and then  
18 having them view a lineup where the only person that's  
19 the same is the suspect?

20 A Again, that was 30 years ago. I don't recall  
21 if I had concerns about that. I don't recall if I did  
22 it or not. It was just -- it was 30 years ago and I just  
23 don't have a recollection of it.

24 Q Well, with your experience you have today  
25 after multiple decades in the police department, would

1 that be a concern to you if somebody is showing somebody  
2 photos right before they go in to view a lineup?

3 MR. BRUEGGEN: Objection. Form and incomplete  
4 hypothetical.

5 A Well, I know the policy has changed regarding  
6 that -- or a policy has been established. I don't know  
7 that it's changed. Policy has been established  
8 regarding showing photo arrays when someone is in  
9 custody. So I don't know what it was 30 years ago, but  
10 I know that in the -- in the interim, there was -- there  
11 were changes in policy that prohibit that, except under  
12 like certain circumstances. If a victim is -- or a  
13 witness is hospitalized and can't come in to physically  
14 see a lineup, you would show a photo array. If there's  
15 some other reason they can't come in, they're out of  
16 state or something, obviously there has to be some other  
17 -- some other means of identification so you would show  
18 them a photo array. But 30 years ago, I -- I don't know  
19 that that was the policy or not the policy.

20 Q Okay. All right. So if I understand  
21 correctly, the policy now is that if somebody -- if  
22 there was a suspect in custody, barring unusual  
23 circumstances, the witness should view the lineup and  
24 not be shown of photo array beforehand, correct?

25 A That's correct.

1 Q And that policy exists because of a concern  
2 about contaminating the lineup procedure, correct?

3 MR. BRUEGGEN: Objection to foundation.

4 MS. ROSEN: Foundation, calls for speculation.

5 A Yeah. I -- I don't know why that policy  
6 exists.

7 Q Do you have any idea as a 30-year Chicago  
8 police officer why that policy was put in place?

9 MR. BRUEGGEN: Object to form and foundation.

10 A No, I do not.

11 Q And sitting here today, do you have any view  
12 -- personal view, about the possibility that showing  
13 somebody photos of your suspect, right before they go in  
14 and view a lineup containing the same suspect, is  
15 problematic?

16 MR. BRUEGGEN: Object to form.

17 A Do I have -- what was the question? Do I have  
18 a --

19 Q Do you have concerns about the idea about --  
20 about the idea of showing somebody photos of somebody as  
21 your suspect right before they go in and do a lineup  
22 with only that person in it?

23 MR. BRUEGGEN: Object to form.

24 A I -- I -- I would have concerns about that,  
25 sure.

1 Q Okay. And ultimately at the time that you  
2 were practicing as a detective, was it your general  
3 practice when you had somebody in custody to have them  
4 view a lineup rather than have them view photos?

5 A I -- I don't recall what my practice was  
6 30 years ago.

7 Q Okay. Do you agree, sitting here today,  
8 that'll -- that if somebody has shown a lineup  
9 containing a suspect, it's of less evidentiary value if  
10 the person was just shown a photo array in which the  
11 only person is the same is the suspect?

12 MS. ROSEN: Objection. Form, foundation, calls  
13 for speculation as to what has evidentiary value.

14 A Yes, I would agree.

15 Q Okay. Let's go back to the cleared closed  
16 report here. We're on RFC Iglesias 91. All right. Are  
17 you still seeing the document on your screen right now?  
18 Well, you're looking -- you're looking at it on your --  
19 on the hard copy, sorry.

20 A Yes. Yes, I am.

21 Q Okay. So looking at the bottom of RFC  
22 Iglesias 91.

23 A Uh-huh.

24 Q The last paragraph indicates -- I'll just --  
25 I'll just paraphrase it, that Mr. Iglesias was placed

1 into custody on June 23, 1993. That's the arrest of  
2 Mr. Iglesias in which you had some limited involvement,  
3 correct?

4 A Yes, it is.

5 Q Okay. And it indicates at the last sentence  
6 that he was informed of the allegations against him and  
7 that he would be required to stand in the lineup. Is  
8 that something you did?

9 A No. No. I never had any contact or  
10 conversation with him.

11 Q Okay. Turning to the next page. This is  
12 page 3 of the report. RFC Iglesias 92.

13 A Yes.

14 Q It indicates that on June 23, 1993 at two --  
15 2000 hours, or 8:00 p.m., a lineup was at Area 5 and  
16 that Rosendo Ochoa identified Geraldo Iglesias as the  
17 person he saw shoot and kill Monica Roman. Do you see  
18 that?

19 A Yes, I do.

20 Q Okay. You -- that is a lineup that you  
21 participated in, correct?

22 A I -- I assisted in that lineup, yes.

23 Q Okay. And you assisted in that lineup by  
24 being in the room with the suspect and the fillers, not  
25 with Mr. Ochoa, correct?



1 A That's correct.

2 Q When you were -- when that lineup occurred, do  
3 you have any knowledge about what -- strike that. Do  
4 you have any personal knowledge about what Mr. Ochoa  
5 said during that lineup identification procedure?

6 A No firsthand knowledge. I was just told by  
7 either Guevara or Halvorsen that Ochoa selected Iglesias  
8 as the person who he saw shoot and kill Monica Roman.

9 Q Okay. That was information provided to you by  
10 Guevara and Halvorsen?

11 A Correct.

12 Q Okay. And they gave you that information for  
13 you to include in your own lineup report, correct?

14 A That's correct.

15 Q Okay. If -- would you say that Guevara and  
16 Halvorsen conducted that lineup or that you conducted  
17 that lineup?

18 A They conducted the lineup. I mean, it was  
19 their case. It was their witnesses. They conducted the  
20 lineup. I just assisted in the lineup by calling up the  
21 participants to the front window, having them do facing  
22 movementsh and then return back to their original  
23 position.

24 Q So if they're the ones that conducted the  
25 lineup, why didn't they write the lineup report?

1 MR. BRUEGGEN: Objection foundation.

2 A I don't know. I mean, typically, there's a  
3 lot of things that you have going on when you have  
4 witnesses present. You have a homicide offender in  
5 custody, there's a lot of things that you're doing. So  
6 if they ask me to do the lineup supp report, it's a  
7 relatively open and shut factual case to type up, so I  
8 would've assisted by completing the report for them.

9 Q And then -- (coughs) excuse me, I asked you  
10 about personal knowledge about what Mr. Ochoa said  
11 during that lineup procedure. So let me ask you the  
12 flip side of that coin. Do you have any knowledge --  
13 strike that. Do you have any personal knowledge about  
14 what Rey Guevara or Ernie Halvorsen said to Rosendo  
15 Ochoa while he was viewing that lineup?

16 A No, I don't. When you're inside the room, you  
17 cannot hear or see anything going on outside of that  
18 room.

19 Q And so, this lineup that is documented --  
20 strike that. This lineup which was viewed by Rosendo  
21 Ochoa documented at the top of page RFC 92, do you have  
22 any knowledge about what occurred in the viewing room  
23 between Mr. Guevara and Halvorsen and Mr. Ochoa?

24 A No, I do not.

25 Q I'm going to go back to page 2 for a moment. I

1 just missed one piece. If you look in the second to  
2 last paragraph, the one that begins with "On 22 June  
3 '93," do you see that?

4 A Yes, I do.

5 Q Okay. I think we made it through the first  
6 sentence of that paragraph. I want to ask you about the  
7 next sentence, the last two sentences there, it looks  
8 like.

9 A Okay.

10 Q If you look at the middle of that paragraph,  
11 it says, "Rosendo Ochoa was shown a photo spread  
12 consisting of (8) Polaroid Color Photos." You see that?

13 A Yes, I do.

14 Q Okay. Did you have any role in creating that  
15 photo spread?

16 A No, I did not.

17 Q Do you know where the photos came from that  
18 were used in that photo spread?

19 A No, I do not.

20 Q Did you ever create photo spreads during the  
21 time you were working as a homicide detective?

22 A Yes, I did.

23 Q And what was your practice in terms of trying  
24 to create photo spreads?

25 MR. BRUEGGEN: Object to form. Vague. Go

1 ahead.

2 A I could just speak from a general memory of  
3 it. And that is that you want to find individuals who  
4 have a likeness to the suspect. And if there's nothing  
5 about the suspect that would be suggestive to the person  
6 viewing the lineup, they would be able to look at it and  
7 say, this is the person based on something in the photo  
8 or something that they're wearing -- you want it to be  
9 strictly an identification of the individual's face, so  
10 you just try to keep the pictures as similar as possible  
11 and make sure there's nothing suggestive about them.

12 Q If you had a witness looking at a lineup --  
13 strike that. If you had a witness looking at a photo  
14 array, and that witness had previously given you certain  
15 descriptors of the individual who was the perpetrator,  
16 would you try to ensure that the participants in the  
17 photo array all had that same feature?

18 A To the degree possible, yes. I mean, you  
19 can't get clones, obviously, but you would try to get  
20 people with as similar description as possible to what  
21 the witness said they looked like.

22 Q So for example, if you had a witness who  
23 described the perpetrator as having a particular  
24 hairstyle, you would try to get fillers for the photo  
25 array who all had the same or very similar hairstyles,

1 correct?

2 A No. Actually you would try to get fillers who  
3 look like the photograph of the suspect. So they can  
4 shave their head -- if the witness said he had  
5 dreadlocks and you got six people with dreadlocks and  
6 your suspect shaved his head and you have him with his  
7 head shaved, then he stands out. So you want to get  
8 fillers to match as closely as possible what the  
9 photograph of your suspect looks like, not necessarily  
10 what the description was at the time. Facial hair can  
11 be grown or shaved, head hair can be grown or shaved.  
12 There's a lot of variables that actually go into it. But  
13 you want the photos to look as similar as possible. Same  
14 with a physical lineup, as similar as possible.

15 Q And similarly, if you have a suspect who gives  
16 -- well, let's use something that -- we'll call it a  
17 little bit more of an immutable characteristic. If you  
18 have a suspect -- strike that. If you have a witness  
19 who had identified somebody who was, you know, over six  
20 feet tall -- particularly tall or particularly short,  
21 would you try to ensure that you had photo array  
22 participants who were equally tall or short?

23 MR. BRUEGGEN: Objection, form.

24 A Again, not necessarily. I think there's ways  
25 to compensate for that, just showing head shots, for

1 example. Or having everybody seated makes it more  
2 difficult to determine heights. I mean, ideally if you  
3 can get -- if your suspect is 6'2" and you can get all  
4 your fillers to be 6'2", that's great. But that's not  
5 always the case. In fact, that's the exception.

6 Q Okay.

7 A So I think you just want to make sure that  
8 nobody stands out and that your -- you want to make sure  
9 your suspect doesn't stand out against the other photos.

10 Q And again, to be clear, once you have --  
11 you're comparing to the photo of your suspect; is that  
12 right?

13 A That's the best way to do it. Not necessarily  
14 to the description provided by the witness, but to the  
15 photo of your suspect. Certain things you can't change.  
16 You can't change the fact that you're heavysset, you  
17 can't change if you've got a tattoo on your forehead,  
18 but hair can be changed, facial hair can be changed,  
19 glasses can be taken on or off, baseball caps. So you  
20 just want -- the photo that you present that day of your  
21 suspect should be not very dissimilar from the fillers  
22 that you're using.

23 Q Okay. And the complexion is probably a better  
24 example or build --

25 A Sure.

1 Q -- so let me see if understand correctly. For  
2 example, if you have a witness who describes somebody as  
3 being light-complected and your suspect is  
4 light-complected in the photo that you have of them,  
5 then you need to ensure that your fillers are also all  
6 light-complected, correct?

7 A To the best of your ability, that would be --  
8 yeah, that would be ideal.

9 Q And in terms of your ability to put together a  
10 photo array back in that time period of 1993, how was  
11 that done? What collection of material did you have to  
12 create your photo array to try to make a fair array?

13 A You could use Polaroid photos. You could use  
14 the department's IR photos, or CV photos, you know,  
15 photos of people who have been previously arrested who  
16 look very similar to your suspect. That was really it.  
17 I mean, on rare occasions you'd get a photograph with  
18 ten guys in it and you knew your suspect was one of  
19 them. There were times, if you had nothing else at your  
20 disposal, where you could show a witness that photo and  
21 they could look through that photo and say, yeah, it's  
22 this guy over here. That happened on occasion when  
23 there were limited options or limited options available  
24 to you.

25 Q If you were using -- you said one of the ways

1 to make your -- to get your fillers is using Polaroid  
2 photos. Where were the Polaroid photos that could be  
3 used to create an array?

4 A Well, you'd have to have a Polaroid of your  
5 suspect. And I don't know if you would just take that  
6 photograph of him on the street or if there was another  
7 photograph of him somewhere that you had access to. You  
8 know, I've seen detectives drive down the street to a  
9 group of guys and snap photographs of them if they were  
10 willing volunteers and use them in photo spreads when  
11 they were using Polaroids. But I think the most common  
12 method was probably the department's CV photos or IR  
13 photos.

14 Q So the department CV photos, were those  
15 available online, like through a computer, or were they  
16 all sort of collected in hard copy form?

17 A At the time when I was a detective, you had to  
18 drive down to headquarters to the graphic arts section  
19 and you had to request the photos and they would --  
20 you'd wait about an hour, they'd print them out and hand  
21 them to you. Since then, now you can click a button  
22 and, you know, get as many as you want off the computer.

23 Q I see. So back in that time, the difficult  
24 practice to create a photo array was to go to graphic  
25 arts and have them print out a series of photos for you?



1 A Correct.

2 Q And would you provide them with essentially  
3 the description that you wanted and then they would  
4 identify people for you?

5 A Yeah. They would kind of look through some of  
6 the -- the photos. They usually had a big box there  
7 that you could kind of thumb through and look for them.  
8 They had them divided up by White guys, Hispanic guys,  
9 Black guys, Asians, and they would kind of divide them  
10 up and you can kind of thumb through them. But in the  
11 absence of anything good, they would work with you to  
12 try to find some that were good enough to present as  
13 part of a photo spread.

14 Q And while you were working as a detective at  
15 that time, were you aware of any collection of Polaroids  
16 that were kept in the office that would be used to  
17 create photo arrays when using Polaroid photos?

18 A Yeah. There were some books like robbery  
19 books. I think there were burglary books. There was a  
20 room in there that housed a lot of these old, basically  
21 like photo albums. And guys could also look through  
22 there and pull out photos of some of these individuals  
23 and use those as fillers as well.

24 Q Those albums that were kept in the -- at the  
25 detective division, were any of those gang books?

1           A     No. I don't remember ever seeing the gang  
2 books. I don't think they were ever kept up in the  
3 detective areas, if there were, because those were more  
4 like the gang crimes books or gang specialists' books. I  
5 think they created them and maintained them.

6           Q     Looking again at that last paragraph -- or  
7 that second to last paragraph.

8           A     Yes.

9           Q     The last sentence indicates that, "After  
10 viewing this photo array, Rosendo Ochoa identified a  
11 picture of Geraldo Iglesias, as being the person he saw  
12 shoot and kill Monica Roman." Do you see that?

13          A     Yes, I do.

14          Q     Do you have any personal knowledge about what  
15 happened during the course of that viewing procedure in  
16 which Mr. Ochoa purportedly identified Geraldo Iglesias  
17 from a photo array?

18          A     No. Again, the extent of my involvement was  
19 backup on the arrest and in the room with the fillers  
20 and the suspect during the lineups, and that was it. I  
21 never interviewed any witnesses, never had access to  
22 evidence, or anything like that.

23          Q     Can you vouch, in any way, for what Mr. Ochoa  
24 said when he viewed the photo array that was presented  
25 to him by Guevara and Halvorsen?

1 A No --

2 MR. BRUEGGEN: Object to form.

3 A Sorry. No, I cannot.

4 Q Can you vouch, in any way, for what Rey  
5 Guevara and Ernie Halvorsen said or did when they showed  
6 photos to Rosendo Ochoa?

7 MR. BRUEGGEN: Object to form.

8 A No, I cannot.

9 Q Do you know whether that photo array was shown  
10 to Mr. Ochoa at the police station or at home -- in Mr.  
11 Ochoa's home?

12 MR. BRUEGGEN: Object to foundation.

13 A No, I do not.

14 Q Okay. Turn to the next page. If you look at  
15 the second paragraph, it indicates, "On 23 June 93 at  
16 2020 hrs. an interview was conducted with Geraldo  
17 Iglesias in the line-up room of Area Five Violent  
18 Crimes." And it indicates the interview was conducted  
19 by Halvorsen and Guevara. Did you participate in any  
20 way in any interview for Geraldo Iglesias?

21 A No. Again, I never participated in any  
22 interview of any person at any time in this case.

23 Q Did you -- I think -- so strike that. So you  
24 have never -- have you ever spoken to Geraldo Iglesias?

25 A Never.

1 MR. BRUEGGEN: Just to clarify, except for  
2 during lineups when you talk to all the people?  
3 Step forward, stuff like that. I just want to make  
4 sure -

5 BY MR. SWAMINATHAN:

6 Q Well, yeah. Fair point. Let's clarify that  
7 because I'm not trying to trick you here.

8 A Except for providing instructions during the  
9 lineup procedure, I have never spoken to him.

10 Q And by the way, at that time when you  
11 conducted the lineup procedure, he never said anything  
12 to you, correct?

13 A No, he never said anything to me.

14 Q So as far as you know, Geraldo Iglesias has  
15 never, ever said anything to you ever?

16 A That's correct, never.

17 Q And other than you giving him instructions  
18 during the lineup procedure, have you ever had any  
19 conversation with Mr. Iglesias?

20 A Never. Before, during, or after this  
21 incident, I never had any contact with him outside of  
22 instructions during the lineup procedures.

23 Q Was Mr. Iglesias someone that you were ever  
24 targeting in any investigation that you conducted?

25 A No, he was not.

1 Q If you look at that next paragraph, it  
2 indicates -- it's a paragraph that begins with the  
3 description of the summary of Geraldo Iglesias'  
4 interview.

5 A Yes.

6 Q If you look around the middle of that  
7 paragraph, it indicates, "He admitted that he hangs  
8 out," do you see that sentence that I'm referring to?

9 A Yes, I do.

10 Q Okay. It indicates, "He admitted that he  
11 hangs out in the area of the Boys Club at the corner of  
12 Sawyer and Palmer." Do you see that?

13 A Yes, I do.

14 Q Then later on at the last sentence there it  
15 indicates, "He does not recall what he did on 7th June  
16 of '93 and has no alibi for his whereabouts on that date  
17 at 1556 hours." Do you see that?

18 A Yes, I do.

19 Q Now take as much time as you need to read that  
20 paragraph. But do you agree with me that nowhere in  
21 this description of the interview with Geraldo Iglesias  
22 does it say that he ever told the detectives that at the  
23 time of the shooting he was at the corner of Sawyer and  
24 Palmer?

25 A Yes. I agree with you that it does not say

1 that.

2 Q Okay. And if Geraldo Iglesias had told the  
3 detectives that he was at the corner of Sawyer and  
4 Palmer, where the shooting occurred, at the time the  
5 shooting occurred, that would be a big deal, correct?

6 MR. BRUEGGEN: Objection, form.

7 A What do you mean it would be a big deal?

8 Q Fair point. Let me ask that in a better way.  
9 You agree with me it would be incriminating, correct?

10 MS. ROSEN: Object to form.

11 A Yeah. Placing himself at the scene of the  
12 shooting would be incriminating.

13 Q Okay. And if somebody made an incriminating  
14 statement placing themselves at -- strike that. If a  
15 suspect incriminates himself by placing himself at the  
16 scene of the crime when it happened, that's the kind of  
17 thing that detectives would put -- would try to get into  
18 a handwritten statement from the suspect, correct?

19 MS. ROSEN: Objection, form. Foundation as to  
20 handwritten statement.

21 MR. BRUEGGEN: Incomplete hypothetical. Go  
22 ahead.

23 A Yes, I think they would want that in a  
24 handwritten statement, if possible.

25 BY MR. SWAMINATHAN:

1 Q All right. So if Gerald Iglesias had told  
2 Detectives Guevara and Halvorsen that he was at the  
3 scene of the crime when it occurred, you would expect  
4 some attempt to get a handwritten statement from  
5 Mr. Iglesias, correct?

6 MS. ROSEN: Objection. Form, foundation, calls  
7 for speculation, incomplete hypothetical.

8 A Yes, I would.

9 Q And you would expect that that information  
10 would have been communicated to the assistant state's  
11 attorney from felony review who was ultimately called  
12 into the case, correct?

13 MR. BRUEGGEN: Object to form. What  
14 information?

15 A Yes, I would.

16 Q Okay. Are you aware that Reynaldo Guevara  
17 came to trial in this case and testified that Geraldo  
18 Iglesias told him that he was at the scene of this crime  
19 when it occurred?

20 A No, I was not aware of that.

21 Q Okay. Let's look at the next paragraph there.

22 A Yes.

23 Q It says, "The reporting detectives contacted  
24 felony review and ASA Mike Latz arrived at Area Five." I  
25 think you indicated earlier, you had no interactions

1 with Mr. Latz, correct?

2 A That's correct.

3 Q It indicates that Latz interviewed --  
4 conducted an interview with Rosendo Ochoa in that  
5 paragraph. Did you participate in any interview with  
6 Ochoa with ASA Latz?

7 A No. I never participated in an interview with  
8 anyone in this investigation at any time.

9 Q Did you have any knowledge that ASA Latz was  
10 at Area 5 related to this investigation?

11 MR. BRUEGGEN: Object to foundation.

12 A I probably did at the time. I -- I -- I don't  
13 know for certain. I'm -- I'm assuming that I would've  
14 known that the ASA was in there.

15 Q Okay. And were you -- are you in a position  
16 to be able to say, you know, based on seeing ASA Latz at  
17 Area 5, what aspects of this investigation ASA Latz  
18 participated in?

19 MR. BRUEGGEN: Object to form. Asked and  
20 answered. Go ahead.

21 A No. I have no idea the degree. I never spoke  
22 to the ASA at all.

23 Q The next sentence indicates that a second  
24 eyewitness, Arnell Moore was brought into Area 5 Violent  
25 Crimes. Do you see that?



1 A Yes, I do.

2 Q And then it says, "Arnell Moore was  
3 interviewed by ASA Latz and provided the same  
4 information that he had previously told detectives."  
5 Having a chance now to -- having to look at this  
6 information in this report, does that refresh your  
7 memory at all about whether you participated in any  
8 interview of Arnell Moore?

9 A No. I never participated in an interview with  
10 anyone in this case at any time.

11 Q All right. The next paragraph begins, "The  
12 reporting detectives located three of the persons who  
13 were in the car with the victim when she was shot." Do  
14 you see that?

15 A Yes, I do.

16 Q Did you make -- did you participate in any  
17 efforts to locate the individuals who had been in the  
18 car with the victim?

19 MR. BRUEGGEN: Object to foundation. Go ahead,  
20 sir.

21 A No, I did not. The extent of my involvement  
22 was to back them up on the arrest and to assist inside  
23 the viewing room during the lineups.

24 Q It says that the driver of the car was in  
25 Mexico, but then it says, "Rodriguez, Coronell, and

1 Sanchez all came into Area Five. Rodriguez, Coronell,  
2 and Sanchez spoke very limited English and were  
3 interviewed by ASA Latz with Detective Guevara as  
4 interpreter." Do you see that, sir?

5 A Yes, I do.

6 Q Did you -- having had a chance to review that,  
7 does that refresh your memory as to whether you  
8 participated at all in interviews with Mr. Rodriguez,  
9 Coronell, or Sanchez?

10 A No. I never participated in interviews with  
11 anyone in this case.

12 Q Okay. And it says, "During this interview,  
13 Hugo Rodriguez stated that he would be able to identify  
14 the person who shot Monica Roman." Do you have any  
15 personal knowledge about Mr. Rodriguez making such a  
16 statement?

17 A No, I do not. I wasn't present for that.

18 Q Did the Detectives Guevara and Halvorsen ever  
19 tell you that they got information from Rodriguez  
20 stating he could make an identification?

21 A No. Not prior to the lineup. After the  
22 lineup they told me that he did identify the offender as  
23 the person who he saw shoot Monica Roman.

24 Q Did they tell you that -- did they tell you  
25 before the lineup that he said to them, hey, I'll be

1   able to identify the person who shot Monica Roman if you  
2   show me a lineup.

3       A     No.

4           MR. BRUEGGEN: Question asked and answered.  
5   Sorry, go ahea.

6       A     No. No, they did not.

7           MS. ROSEN: And whenever it's convenient, if we  
8   could take a short break.

9           MR. SWAMINATHAN: Yeah. Why don't we go maybe  
10  another two minutes here. I'm almost done with this  
11  section.

12          MS. ROSEN: Will you do it when you say two  
13  minutes? But okay.

14          MR. SWAMINATHAN: Well, maybe let's say four  
15  minutes. I'll see if I can beat it here.

16  BY MR. SWAMINATHAN:

17       Q     It says the next -- the beginning of the next  
18  paragraph on the last page.

19       A     Beginning of the next paragraph on the last  
20  page.

21       Q     I'm sorry, I'm sorry. Let's start on page 4.  
22  Why don't I -- rather than break my promise, why don't  
23  we take our break right now?

24       A     Okay.

25          MS. ROSEN: Want to say in five minutes?

1 MR. SWAMINATHAN: Yeah, no problem.

2 COURT REPORTER: Off the record, the time is  
3 3:22.

4 (OFF THE RECORD)

5 COURT REPORTER: We are back on the record for  
6 the deposition of Anthony Riccio being conducted by  
7 videoconference. My name is Sydney Little. Today  
8 is May 18, 2022, and the time is 3:31 p.m.

9 BY MR. SWAMINATHAN:

10 Q Okay. Let's turn to where we left off, page 3  
11 of the report. We're looking again at Exhibit 1 to your  
12 deposition, and we're looking at page 3 of this report  
13 RFC Iglesias 92.

14 A Got it.

15 Q And let's actually turn to page 4.

16 A Okay.

17 Q So that's RFC Iglesias 93. At the top of the  
18 page it indicates that "On 24 June '93 at 12:30 a.m. or  
19 0030 hrs. Detective Rey Guevara and ASA Latz showed  
20 Hugo Rodriguez the same photo array previously viewed by  
21 Rosendo Ochoa." Do you see that?

22 A Yes, I do.

23 Q Now first of all, do you have any personal  
24 knowledge about whether ASA Latz participated in that  
25 photo array procedure?

1 A I have no personal knowledge, no.

2 Q And if ASA Latz indicated that he doesn't  
3 believe or recall participating in that photo array  
4 procedure, do you have any reason to dispute that?

5 MR. BRUEGGEN: Object to form.

6 A I have no reason to agree or disagree.

7 Q Okay. During the time that you were a  
8 homicide detective, in your experience, did the ASAs  
9 participate in the photo array procedures?

10 A I don't recall that ever happening with one of  
11 my cases.

12 Q Do you recall any instances when the ASAs  
13 participated in the lineup procedures? Meaning they'd  
14 be in the viewing room with witnesses when you conducted  
15 the lineup?

16 A Never on one of my cases. I can only speak  
17 for my own. But never on one of mine.

18 Q Okay. So on the cases -- during the time you  
19 were a detective, on your cases, you cannot recall any  
20 instances when an ASA participated in a photo array or  
21 lineup procedure you conducted, correct?

22 A That's accurate, yes.

23 Q Okay. It says that Hugo Rodriguez viewed the  
24 same photo array previously reviewed by Rosendo Ochoa.  
25 Can you agree with me, based on this report,

1 Mr. Iglesias was already in custody and had been  
2 questioned, correct?

3 A Yes, that's correct.

4 Q Do you know why Mr. Rodriguez was shown a  
5 photo array rather than a lineup?

6 MR. BRUEGGEN: Object to foundation.

7 Speculation. Go ahead.

8 A I do not know, no.

9 Q Under the circumstances documented in this  
10 report as we've gone through it so far, would you have  
11 conducted a photo array, or would you have conducted a  
12 lineup?

13 MR. BRUEGGEN: Objection. Incomplete

14 hypothetical. Speculation. Go ahead.

15 A I mean, because I don't have all the facts as  
16 far as what the ASA was asking for, it's difficult for  
17 me to answer that. I would say that without any input  
18 from the ASA, I would've shown a live lineup as opposed  
19 to a photo array. But I don't if the ASA was requiring  
20 or requesting or, you know, asked for a photo array  
21 first. I -- I don't know. Absent the state's attorney,  
22 I would've gone right to the live physical lineup.

23 Q Okay. And if it'd been you without a state's  
24 attorney involvement, why would you have gone straight  
25 to the lineup rather than conduct a photo array first?

1           A     Because the offender or the suspect was in  
2 custody.

3           Q     And why, under those circumstances, would you  
4 rather conduct a lineup than a photo array?

5           A     Well, one reason is because if you conduct a  
6 photo array you still have to conduct the live physical  
7 lineup anyway. So the photo array is really -- I don't  
8 understand the need to do a photo array first. Again,  
9 unless the state's attorney said this is what I want.  
10 But you still have to do a live lineup anyway.

11          Q     Okay. So unless the ASA requested it --  
12 strike that. If it was just you, you wouldn't have  
13 conducted the photo array before the lineup because for  
14 one reason, you would've had to do the lineup anyway, so  
15 there was no reason to do the photo array, correct?

16          A     That's correct.

17          Q     Now with regard to that first paragraph  
18 documenting a photo array procedure conducted with Hugo  
19 Rodriguez, do you have any knowledge about what Hugo  
20 Rodriguez said or did during the course of that photo  
21 array procedure?

22          A     No, I do not.

23          Q     Do you have any knowledge about what Reynaldo  
24 Guevara said or did during that photo array procedure?

25          A     No, I do not.

1 Q Do you have any knowledge about how many times  
2 Hugo Rodriguez was shown photos during the course of  
3 this investigation before he was -- before he viewed the  
4 lineup that you participated in?

5 A No, I do not.

6 Q If -- strike that. If -- and you never showed  
7 Hugo Rodriguez any photos during the course of this  
8 investigation, correct?

9 A That's correct.

10 Q Each time you ever showed Hugo Rodriguez  
11 photos, you would've documented it, correct?

12 MR. BRUEGGEN: Objection form. He just  
13 testified he never showed him photos, sir.

14 Q Sorry. Let me -- I want to be clear with it.  
15 I'm saying, if you had shown Mr. Rodriguez photos,  
16 however many different times you showed him photos, you  
17 would've documented each of those times, correct?

18 A That is correct.

19 Q And if Mr. Rodriguez has indicated in his  
20 deposition that he was showed photos at least three  
21 times or more, would you have documented each of those  
22 three times or more?

23 MR. BRUEGGEN: Objection. Misstates  
24 Mr. Rodriguez's testimony. Go ahead.

25 A Yes. Each time that he would've been shown



1 photos, I would've documented each of those instances,  
2 yes.

3 Q Looking down to the third paragraph, we  
4 skipped a paragraph there.

5 A Yes.

6 Q "On 24 June '93 at 1:25 a.m., a second lineup  
7 was conducted at Area Five Violent Crimes. After  
8 viewing this lineup, Hugo Rodriguez identified Geraldo  
9 Iglesias as the person he saw shoot and kill Monica  
10 Roman." Do you see that, sir?

11 A Yes, sir, I do.

12 Q Okay. And that's the lineup we -- that's the  
13 second lineup that we discussed earlier where you  
14 participated exclusively by being in the room with the  
15 suspect and fillers, correct?

16 A That is correct.

17 Q Okay. Do you have any personal knowledge  
18 about what Hugo Rodriguez said or did during the course  
19 of that lineup procedure?

20 A No, I do not.

21 Q And do you have any knowledge about what Rey  
22 Guevara or Ernie Halvorsen said or did during that  
23 lineup procedure?

24 A No, I do not.

25 Q And it indicates that, "Lineup procedures were

1 also conducted with Efrain Torres and David Chmielewski."

2 Do you see that?

3 A Yes, I do see that.

4 Q And it indicates that neither of them  
5 identified anyone from the lineup. Do you see that?

6 A Yes, I do.

7 Q Do you have any knowledge about what  
8 Mr. Torres or Mr. Chmielewski said during the course of  
9 those identification procedures?

10 A No, I do not. I was just told following the  
11 lineups -- following this lineup at 1:25 a.m. exactly  
12 what it states there. I was told that an individual  
13 named Efrain Torres viewed the lineup and that  
14 Chmielewski viewed the lineup and that they both did not  
15 make an identification because they did not see the face  
16 of the shooter.

17 Q And where it indicates that "Efrain Torres did  
18 not witness this incident occur and made no  
19 identifications," is that information that Mr. Torres  
20 ever told you, that he did not witness this incident?

21 A No. I never spoke to any of these  
22 individuals. That would've been conveyed to me from  
23 either Halvorsen or Guevara.

24 Q Okay. All right. Why don't you just take one  
25 second. I think we've gone through almost the entire

1 report, but why don't you take as long as you feel like  
2 you need to take a look at this report and let me know  
3 whether after reviewing this report it refreshes your  
4 memory about any part of your involvement in this  
5 investigation beyond what you've told us here today.

6 A Okay. No. There's nothing in here that  
7 provides me with any additional information other than  
8 what I've already told you.

9 Q So other than your -- strike that. Having had  
10 an opportunity to review this cleared closed report  
11 we've marked as Exhibit 1, does it refresh your memory  
12 that you participated in this investigation in any way  
13 beyond what you've told us so far today? That is, that  
14 you participated in a limited way in the arrest of  
15 Geraldo Iglesias and in a limited way in two lineups  
16 conducted in this case?

17 MR. BRUEGGEN: Object to form. Go ahead, sir.

18 A That's correct. That was the extent of my  
19 involvement in this case.

20 Q And this review of this cleared closed report  
21 does not cause you to believe you had any additional  
22 involvement; is that correct?

23 A That's accurate. Yes, that's correct.

24 Q All right. Let's pull this down. I'm going  
25 to do the Ochoa lineup report. This is RFC Iglesias 97

1 and 98. I'll just note for the record while Dave is  
2 grabbing the hard copy for you, I have -- I am now  
3 sharing my screen and showing you a document that we'll  
4 mark as Exhibit 2. This is RFC Iglesias 97 to 98. This  
5 is identified as a supplementary report from the Chicago  
6 Police Department submitted on June 23, 1993. Sir, this  
7 is a document you reviewed in preparation for today's  
8 deposition, correct?

9 (EXHIBIT 2 MARKED FOR IDENTIFICATION)

10 A Yes, this is.

11 Q And I see your name is listed at the bottom,  
12 correct?

13 A Yes, it is.

14 Q And is that your signature in the bottom left?

15 A Yes, that's my signature.

16 Q Did you author this report?

17 A Yes, I did.

18 Q And did you sign this report?

19 A Yes, I did.

20 Q And did Mr. Halvorsen and Mr. Guevara both  
21 also sign this report?

22 A No. I signed on their behalf.

23 Q Okay. If you look at the next page.

24 A Yes.

25 Q Fair to say this is your documentation of the

1 lineup viewed by Rosendo Ochoa?

2 A Yes, it is.

3 Q Okay. And it lists -- it contains a section  
4 identifying the persons conducting the lineup. Do you  
5 see that?

6 A Yes, I do.

7 Q And it identifies yourself and Mr. Halvorsen  
8 and Mr. Guevara, correct?

9 A That's correct.

10 Q Okay. And so based on that documentation,  
11 does it indicate to you that anybody else participated  
12 in this lineup procedure?

13 A No. Just -- just myself, Halvorsen, and  
14 Guevara.

15 Q Okay. And it is sometimes the case that, for  
16 example, a criminal defense counsel or -- or a gang  
17 crimes officer, or somebody may on occasion be present  
18 or participate in a lineup, correct?

19 A I would say rarely. But yes, I -- it's  
20 happened, but it's rare.

21 Q And when that happens, there's -- that can  
22 actually be documented in these lineup reports either in  
23 the Persons Conducting Lineup section or Additional  
24 Persons Present During Lineup, correct?

25 A That's correct.

1 Q Okay. So where there are additional  
2 individuals who participate or are present for a lineup,  
3 those additional individuals would be listed on the  
4 lineup supplementary report, correct?

5 A Yes, sir.

6 Q Okay. And so in this case, you have  
7 documented the only three people who participated in the  
8 lineup, yourself, Mr. Halvorsen, and Mr. Guevara,  
9 correct?

10 A That's correct.

11 Q Okay. All right. And then we have -- we  
12 won't belabor the point here. It indicates that  
13 Mr. Ochoa identified Geraldo Iglesias. And I think as  
14 we have now established ad nauseum, this -- the lineup  
15 itself was conducted by Guevara and Halvorsen with the  
16 witness. And so, any information about what Mr. Ochoa  
17 -- who Mr. Ochoa identified comes from Mr. Guevara and  
18 Mr. Halvorsen, correct?

19 A That's correct.

20 Q Okay. And so basically you filled in the  
21 information on this report about what Mr. Ochoa did and  
22 who he identified based on information provided to you  
23 by Guevara and Halvorsen, correct?

24 A That's correct.

25 Q Okay. And the names of the individuals who

1 participated in the lineup and their lineup positions,  
2 where did you get that from?

3 A From those individuals. Based on the fact  
4 that there's home addresses provided rather than CB  
5 numbers, would've been my practice for individuals who  
6 voluntarily came in to act as fillers for the lineup. So  
7 they were not people who were in custody down in the  
8 lockup of the 25th District. So these would've been  
9 volunteer fillers.

10 Q Okay. All right. And then if we look at the  
11 next -- let's pull up the next report here. All right.  
12 We'll mark this as Exhibit 3. This is RFC Iglesias  
13 94 through 96, and it's the Chicago Supplementary Report  
14 with the date submitted of 23 June '93.

15 (EXHIBIT 3 MARKED FOR IDENTIFICATION)

16 A Got it.

17 Q You got it? Okay. Sir, this is a document  
18 you reviewed in preparation for today's deposition,  
19 correct?

20 A Yes, it is.

21 Q And this is the second lineup that we have  
22 been discussing, correct?

23 A Yes, it is.

24 Q Okay. On the first page of this document, it  
25 lists your name in the bottom left, correct?

1 A Correct.

2 Q Is that your signature?

3 A Yes, it is.

4 Q Okay. And then it also lists Ernie Halvorsen  
5 as being a report submitter, correct?

6 A Yes, correct.

7 Q And is that your signature -- or is that  
8 Ernest Halvorsen's signature?

9 A No, I signed on his behalf.

10 Q Okay. And this -- unlike the earlier lineup  
11 report, this one does not include Detective Guevara's  
12 name. Do you see that?

13 A I do. I -- I don't have an explanation for  
14 it. I'm not sure why his name was omitted from there.  
15 He was included in the Persons Conducting Lineup section  
16 and he was included on page 3, but I don't have an  
17 explanation for why I omitted to put his name on that  
18 front page.

19 Q Okay. So you've, again, anticipated my  
20 question. So I'll just ask it cleanly. So if you look  
21 at the next page of this document, it indicates that the  
22 persons conducting the lineup were yourself,  
23 Mr. Halvorsen, and Mr. Guevara, correct?

24 A Correct.

25 Q Okay. So the fact that you have not included



1 Mr. Guevara's name on the first page in the Report  
2 Submission section does not, in any way, indicate that  
3 Mr. Guevara did not participate this lineup, correct?

4 A No. That would've been a -- an oversight. An  
5 omission on my part.

6 Q Okay. And based on the information contained  
7 in the Persons Conducting Lineup section listing Guevara  
8 and his inclusion on the third page of this report, fair  
9 to say that Mr. Guevara did participate in this lineup?

10 A Yes, that's correct.

11 Q Okay. And Mr. Guevara was not in the lineup  
12 room with you and the suspect and the fillers, but  
13 instead with -- in the viewing room with the  
14 participants viewing the lineup, correct?

15 A That's correct.

16 Q Okay. Now, if you look at page 2 of this  
17 document where it lists the persons conducting lineup,  
18 if anyone else had been present for this lineup, either  
19 in the viewing room or the lineup room where you were,  
20 you would've included their name here, correct?

21 A I would've. Yes.

22 Q And if an ASA had been present for this  
23 lineup, you would've included their name here, correct?

24 A Yes, I would.

25 Q Okay. So based on this report, would you

1 agree with me ASA Latz did not participate in this  
2 lineup procedure?

3 A Yes, that's correct.

4 Q Okay. And again, looking at the results of  
5 this lineup -- this series of lineups as documented in  
6 the investigation section, all of the information about  
7 what occurred in the lineup, as viewed by the witnesses,  
8 comes from Rey Guevara and Ernie Halvorsen, correct?

9 A That's correct.

10 Q Okay. Now, if you look at the first page of  
11 this report, it indicates that the report was submitted  
12 on June 23, 1993 at 9:00 p.m. Do you see that? Or  
13 21:00 hours?

14 A Yes, that's also an error.

15 Q Okay. And how do you know that's an error?

16 A Because a lineup was not conducted until 1:25  
17 in the morning, the following morning. I think what I  
18 did is, I probably took that directly off the previous  
19 lineup supp that I created, because that's the same date  
20 and time from the previous lineup supp, so that was a --  
21 an -- an error on my part.

22 Q Okay. Any other explanation for why that time  
23 is incorrect?

24 A No, that was it. That would -- that would be  
25 it. I just took it off the previous lineup report.

1 Q Okay.

2 A Yeah.

3 Q Okay. And then if you look at the next page  
4 of the report, page 3 -- if you look at the top right,  
5 it lists 22 February 1993. Do you see that?

6 A Yes, I do.

7 Q Can you explain what -- why that date is on  
8 this page 3 of this report?

9 A Yeah, that's -- that's also a -- a typo. Back  
10 when we were doing these, the front page would've had to  
11 been created in a typewriter and the other pages were  
12 word documents. So to keep the formatting the same --  
13 as you could see on page 2, there's a great deal of  
14 formatting, indenting, all that other stuff. Typically,  
15 to keep that formatting the same, I would type over an  
16 old lineup supp to create it, and I -- apparently here  
17 on page 3, I failed to change the -- the date and the RD  
18 number.

19 Q Okay. So the date and RD number are both  
20 wrong, correct?

21 A Yes, that's correct.

22 Q And that's basically a typo on your part?

23 A That's a typo, yeah.

24 Q Okay. And it's a vestige of a different  
25 template of a report that you used to start filling this

1 in, correct?

2 A Yes, that's correct.

3 Q Okay. All right. Let's take a look at a  
4 document I'll mark as Exhibit 4. Give me one second.  
5 Sorry, I'm updating my exhibit numbers so that I keep  
6 track of it. All right. All right. I'm showing you a  
7 document I've marked as Exhibit 4. This is a  
8 supplementary report Bates stamped RFC Serr/Mont,  
9 S-E-R-R/M-O-N-T, pages 68 through 72.

10 (EXHIBIT 4 MARKED FOR IDENTIFICATION)

11 A Okay.

12 Q And it has date of the report submission as  
13 June 14, 1993, okay?

14 A Okay.

15 Q This is not a document you reviewed in  
16 preparation for today's deposition, correct?

17 A Correct.

18 Q Okay. And if you look at this document just  
19 to make sure there's no confusion, this is a document  
20 with a different victim, Rodrigo Vargas, and it's got an  
21 RD number of 054183, which is not the RD number of the  
22 Monica Roman investigation. Can you see that?

23 A Yes, I do.

24 Q Okay. So I'm showing you, just to be clear, a  
25 report that is not from the Monica Roman investigation.

1 A Got it.

2 Q You'll understand why in a second. Okay. So  
3 this report that I'm showing you is a report that was  
4 authored by what appears to be Detective Halvorsen and  
5 Detective Guevara. Do you agree?

6 A Yes, I agree.

7 Q Okay. And do you recognize either of their  
8 signatures at the bottom of the page?

9 A No, I -- I don't.

10 Q Okay. And this report states that it was  
11 submitted on June 14th at 6:00 p.m., correct?

12 A Yes, correct. 1993.

13 Q Okay. And in terms of practice among  
14 detectives, when you have two detectives listed, one on  
15 the left and one on the right, does that usually provide  
16 some indication about who actually drafted or wrote the  
17 report?

18 A Not always. Some guys would put themselves in  
19 the box on the left, other guys would defer to their  
20 partner, put him on the left. So it -- there's really  
21 no -- no hard and fast rule on it.

22 Q Okay. All right. If you look at the second  
23 page of this report -- I'm not going to go through this  
24 whole report with you and -- of course, you're welcome  
25 to look at it if you'd like, but on the second page is

1 the only piece that I wanted to ask you about. It  
2 indicates a section that lists witnesses, and if you  
3 see, a person by the name of Timothy Rankins listed  
4 there?

5 A Yes. Okay. Yep. Yep.

6 Q Okay. And it -- (coughs) excuse me, it says  
7 that he's an admitted member of the Spanish Cobra street  
8 gang, nickname of Loco. Do you see that?

9 A Yes, I do.

10 Q Do you have any personal memory of ever  
11 interviewing or speaking with a person named Timothy  
12 Rankins?

13 A No, I don't.

14 Q Okay. So if you look at that -- I want you to  
15 -- why don't you just read that paragraph right there at  
16 the bottom of page 2 and let me know when you've had a  
17 chance to finish reading that.

18 A Okay. Okay.

19 Q Okay. And why don't we take a look at this --  
20 at the top of the next page, page 3, where it indicates  
21 Timothy Rankins was first questioned on 11 June '93. Do  
22 you see that?

23 A Yes.

24 Q Okay. All right. So looking at this  
25 paragraph here at the bottom of page 2, this report

1 indicates that on -- by June 10th at the latest,  
2 Detective Mingey had learned information suggesting that  
3 the perpetrator in the Monica Roman case was a member of  
4 the Spanish Cobras, correct?

5 MR. BRUEGGEN: Objection, form. Misstates the  
6 -- what it says there. You said Detective Mingey.  
7 He's a sergeant.

8 BY MR. SWAMINATHAN:

9 Q Oh, I'm sorry, Sergeant Mingey. Yeah, let me  
10 restate that. So let -- I'm looking here at the bottom  
11 of this page, it says, "Preliminary information in the  
12 Roman shooting indicated that the offenders may have  
13 been members of the Spanish Cobras street gang." Do you  
14 see that?

15 A Yes, I do.

16 Q And then it indicates that Sergeant Mingey  
17 elected to interview Timothy Rankins for any knowledge  
18 he may possess about the Roman shooting. Do you see  
19 that?

20 A Yes, I do.

21 Q Okay. And there's a little bit of ambiguity  
22 because it says on June 10, 1993, Timothy Rankins was  
23 arrested for an armed robbery, and then on the top of  
24 the next page, it says Timothy Rankins was first  
25 questioned on 11th of June '93. Do you see that?

1 A Yes.

2 Q Okay. So based on the information contained  
3 in this report, by June 11th at the latest, Sergeant  
4 Mingey knew of information suggesting that the Roman  
5 homicide perpetrator was a Spanish Cobra, correct?

6 A Correct.

7 Q Sorry, did you answer?

8 A Yes. Yes, I did. I said correct. Yes.

9 Q Okay. All right. And then this report was  
10 submitted on June 14th by Detectives Halvorsen and  
11 Guevara, correct?

12 A Yes, it was.

13 Q Okay. And so by June 14th at the latest, the  
14 date of this report, Guevara and Halvorsen knew as well  
15 that there had been a lead indicating the involvement of  
16 the Spanish Cobras in the Roman homicide investigation,  
17 correct?

18 MR. BRUEGGEN: Objection, form.

19 A Yes, that's correct.

20 Q Okay. And the information about what the lead  
21 was indicating, that the perpetrator of the Roman  
22 homicide was a member of the Spanish Cobras, is that  
23 information contained here?

24 A I'm sorry. What was your question? The  
25 information --



1 Q Yes. The reason that they had information  
2 indicating that the Roman shooting may have been  
3 committed by members of the Spanish Cobras, that's not  
4 actually documented here, correct?

5 A That's correct. That is not documented here.

6 Q Okay. So who provided this information, what  
7 exactly the information, and so on, that's not  
8 documented in this supplementary report from a different  
9 homicide investigation. Do you agree with that?

10 A Well, I've only read the first two paragraphs  
11 and it's not documented in the first two paragraphs. I  
12 don't know if it's documented somewhere else in here.  
13 It's kind of a --

14 Q Okay, I will do this. I'll represent to you  
15 that it's not documented elsewhere in this report, but  
16 I'm also happy to give you an opportunity to read this  
17 entire report if you want a chance to, before I ask you  
18 anything further.

19 A No. I mean, I'll -- I'll -- I'll leave it up  
20 to you. If you -- if -- if there's questions that  
21 pertain to the report in general, I'll have to read the  
22 whole report. If there's --

23 Q Okay.

24 A If it's just out of these first two  
25 paragraphs, I could certainly answer those.

1 Q Okay. So why don't -- why don't I keep going,  
2 and then if you feel like at any point you need to  
3 either read more of the report or the whole report, you  
4 just do that, okay?

5 A Okay.

6 Q Okay. So any information about what the lead  
7 was that pointed to the Spanish Cobras and who that  
8 information came from, would you expect that information  
9 to have been documented in the Roman homicide as opposed  
10 to this homicide?

11 MR. BRUEGGEN: Objection. Form, incomplete  
12 hypothetical.

13 MS. ROSEN: Foundation.

14 MR. BRUEGGEN: Go ahead.

15 A Yeah, I would -- I would expect there to be  
16 some documentation of that somewhere. You know,  
17 probably not in this -- in this case, but in the Roman  
18 file. I would think that it would be in there if -- if  
19 the information about the offender coming from the  
20 Spanish Cobras -- I would -- I would think that it would  
21 be documented in the Roman file.

22 BY MR. SWAMINATHAN:

23 Q Okay. So whatever information had led them to  
24 believe that the perpetrator may be a member of the  
25 Spanish Cobras, that should be documented, not

1 necessarily in this supplementary report, but in a  
2 supplementary report or GPR in the Roman case, correct?

3 A Yes. It's --

4 MS. ROSEN: Objection. Form, foundation.

5 Q Did you get the answer, ma'am?

6 A Yeah. My answer is yes, correct.

7 Q Okay. All right. And then -- and do you have  
8 any reason to doubt that a GPR or supplementary report  
9 would've been created in the Roman homicide file  
10 documenting that lead?

11 MR. BRUEGGEN: Objection. Form, speculation.

12 MS. ROSEN: Form, foundation.

13 A No. I -- I don't have any knowledge as to  
14 whether or not one was created or whether or not that  
15 information is contained somewhere within that file or a  
16 GPR. I - I don't have any information on that.

17 Q But to the extent -- your expectation is that  
18 information would be documented in that file, correct?

19 MR. BRUEGGEN: Objection. Asked and answered,  
20 form, and foundation. Go ahead.

21 A Yes, that would be my expectation.

22 Q And you have any reason to doubt that  
23 somebody, either Detectives Guevara or Halvorsen or  
24 Mingey, did, in fact, document that in that file?

25 MS. ROSEN: Objection. Form, foundation.

1           A     Yeah. Again, I don't know that it was or was  
2 not, so I really can't speak to that.

3           Q     Would you expect -- given that this  
4 information was known to Sergeant Mingey, would you  
5 expect that Sergeant Mingey ensured that there was some  
6 documentation of that lead involving the Spanish Cobras  
7 in the Roman homicide file?

8           MR. BRUEGGEN: Objection. Form, foundation,  
9 speculation.

10          A     I -- I would think someone would've. I -- I  
11 don't know that it would've been Sergeant Mingey. I  
12 don't -- I don't know that sergeants necessarily do that  
13 documentation. It looks like here that Rankins was  
14 passed on to Halvorsen and Guevara, so I would think  
15 that that information would've been -- would've been  
16 covered by them.

17          Q     Okay. And so, because Mingey -- Mingey might  
18 would've -- strike that. If Mingey knew that there was  
19 a lead blaming the Spanish Cobras in the Roman homicide,  
20 he either would've documented that himself or more  
21 likely ensured that Guevara or Halvorsen documented that  
22 in the file, correct?

23          MS. ROSEN: Objection. Form, foundation, calls  
24 for speculation.

25          A     Yeah. Again, I couldn't say what Mingey, you

1 know, would or would not do or did or did not do, but I  
2 -- I -- I will agree that it should be documented.

3 Q Okay. And do you have any reason to believe  
4 that in this -- that it would not have been documented  
5 in this particular instance?

6 MS. ROSEN: Objection. Form, foundation.

7 A Do I --

8 Q And strike that. Let me -- just let me ask  
9 you differently maybe to make it a little clearer. Do  
10 you have any reason to believe the typical practice of  
11 documenting this information would not have been  
12 followed in this particular case?

13 MS. ROSEN: Objection. Form, foundation, calls  
14 for speculation.

15 A I do -- I do not, because I -- I don't know if  
16 -- if it was or was not documented. So I -- I can't  
17 speak to that.

18 Q And to the extent it was documented, that  
19 would've been what you expected to be done, correct?

20 MR. BRUEGGEN: Objection. Form and foundation,  
21 calls for speculation.

22 A Yes, that's correct.

23 Q And to the extent it was not documented, that  
24 would've been contrary to policy and practice, correct?

25 MS. ROSEN: Objection. Form, foundation, calls

1 for speculation.

2 A I -- I think it would've been contrary to what  
3 I personally would do per my personal practice. I don't  
4 know that that would violate any particular policy of  
5 the Department or the Detective Division.

6 Q Can you say, one way or the other, whether it  
7 would violate any policies of the Department?

8 MR. BRUEGGEN: Object to foundation.

9 A I -- I could say that I don't know of any  
10 policy that would require that. I mean, there's a broad  
11 interpretation of some policies that -- that you may,  
12 you know, capture it under the umbrella, but I don't  
13 know. My personal practice, I would -- I would've -- I  
14 would've put that in there. But I -- I'm not aware of  
15 any policy that specifically states what should or  
16 should not be contained as far as information of this  
17 nature.

18 Q If Geraldo Iglesias was a member of the  
19 Imperial Gangsters, that would be -- this would be  
20 potentially exculpatory information as we discussed  
21 earlier, correct?

22 MS. ROSEN: Objection. Form, foundation,  
23 incomplete hypothetical, calls for a legal  
24 conclusion.

25 A It could potentially be, yes.

1 Q And under the Detective Division special  
2 orders, potentially exculpatory information was required  
3 to be documented and disclosed to criminal defendants,  
4 correct?

5 MR. BRUEGGEN: Objection, foundation.

6 A Yeah. I'm not familiar with a -- with a  
7 Detective Division order that requires that. I believe  
8 that's just part of being a thorough investigator, but I  
9 don't know specific -- if you're asking me specifically  
10 is there an order that says that, I'm not certain. It's  
11 -- I'm, you know, 25 years removed from -- from any of  
12 that, so

13 Q Okay. All right. Let's move on. Based on  
14 this report, do you agree that this lead pointing to the  
15 Spanish Cobras was followed up on by -- by Sergeant  
16 Mingey through his questioning of Timothy Rankins,  
17 correct?

18 MR. BRUEGGEN: Objection. Form, incomplete  
19 hypothetical. Go ahead.

20 A I mean, you know, based on the first two  
21 paragraphs that said Sergeant Mingey conducted an  
22 interview and then passed Rankins onto Halvorsen and  
23 Guevara, so I think that -- you know, Mingey, based on  
24 the information that he developed, you know, took --  
25 took the actions that you would expect a Detective

1 Division supervisor to do, and that is put the  
2 information in the hands of the field investigators,  
3 yes.

4 Q Okay. And so, the fact that Mingey followed  
5 up with Rankins about this lead involving the Spanish  
6 Cobras being the perpetrators of the Roman crime, is  
7 that an indication to you that Mingey took the lead  
8 seriously?

9 MR. BRUEGGEN: Objection, speculation.

10 A Yeah, it's -- it's -- it -- definitely, I  
11 believe that he took the lead seriously. In fact, this  
12 is -- I mean, when you read it, it says Timothy Rankins  
13 was known to Sergeant Mingey as being a member of the  
14 Spanish Cobra street gang and that Mingey initiated the  
15 -- the debriefing with Rankins. So I think that he --  
16 you know, he takes the initiative on this, so it's more  
17 than following up a tip or a clue. I think he -- he  
18 actually does the debriefing that -- that kind of looks  
19 into it in the first place.

20 Q And -- and would you agree with me, this  
21 paragraph indicates that -- that Sergeant Mingey treated  
22 this as a serious lead related to the Roman  
23 investigation, correct?

24 A Yes.

25 MR. BRUEGGEN: Objection, asked and answered,



1 form.

2 A Yes, I agree.

3 Q Is this lead regarding the Spanish Cobras the  
4 kind of thing that should have been turned over to  
5 prosecutors?

6 MR. BRUEGGEN: Objection, form.

7 A You know, again, that's -- it's hard to say. I  
8 -- I think that everything should be shared with the  
9 prosecutors to -- to -- to make a more informed  
10 decision. So my personal practice would be if I had  
11 knowledge of this, I think I would've given it to them  
12 and let them know. But, you know, I -- I can't speak  
13 for anybody else.

14 Q Did you know about this lead?

15 A No. I didn't know anything about this.

16 Q Okay. Did you, at any point that you were  
17 involved in the Roman homicide investigation, ever know  
18 that there was a lead pointing to the Spanish Cobras?

19 A No. I had no knowledge of this case, that  
20 lead, or even the Roman homicide. I -- I had no  
21 knowledge of any of those.

22 Q Okay. And based on your years of experience  
23 with the Chicago Police Department and -- both as a  
24 detective and as a supervisor of detectives in numerous  
25 capacities, are you aware of any mechanism that would

1 ensure that the information contained in this report  
2 under a different RD number would be disclosed to  
3 prosecutors in the Roman prosecution?

4 MS. ROSEN: Objection. Form, foundation, calls  
5 for speculation.

6 A I am not aware of any mechanism for that.

7 Q Okay. And -- strike that. So based on your  
8 years of experience as a detective and as a supervisor  
9 of detectives, was the information in the homicide file  
10 for that RD number disclosed to prosecutors?

11 MR. BRUEGGEN: Objection to form, foundation.

12 MS. ROSEN: Objection, form.

13 Q Yeah. Let me re-ask it. That's a really poor  
14 question. Each homicide investigation has its own RD  
15 number with its own investigative file, correct?

16 A Yes, that's correct.

17 Q Okay. And based on your experience, what  
18 portion if -- of the investigative file would be passed  
19 on to the prosecutors once charges have been brought?

20 MR. BRUEGGEN: Objection.

21 MS. ROSEN: Objection.

22 A The entire --

23 MS. ROSEN: Form, foundation. Yeah.

24 A The entire file would be given to prosecutors.

25 Q Okay. Could detectives pick and choose which

1 portion of the investigative file to pass on?

2 A No.

3 Q Would detectives ever go through a process of  
4 culling down the investigative file before they passed  
5 it on?

6 MR. BRUEGGEN: Object to form. Did you say  
7 culling or calling?

8 Q Culling. C-U-L-L-I-N-G.

9 MR. BRUEGGEN: Object to form.

10 A No, they would not. Not to my knowledge.

11 Q Okay. And other than the investigative file,  
12 was there any other -- strike that. Other than the  
13 investigative file for the particularly -- particular RD  
14 number of the investigation, what else from the  
15 Detective Division would be passed on to a prosecutor?

16 MR. BRUEGGEN: Object to foundation.

17 A Photographs that may not be in that file that  
18 were maintained for that RD number. I -- I mean, I  
19 think all the -- all the paperwork, all the  
20 documentation, is going to be in that investigative  
21 file. Photos. I -- I don't -- there's nothing else I  
22 can think of off the top of my head. I mean, there may  
23 be some things that are not contained in that file that  
24 are contained elsewhere in the department, such as the  
25 photos, but -- and I believe now those are all online

1 anyway. But at the time, sometimes if there were, you  
2 know, a large number of photographs, then the State's  
3 Attorney's Office would order those directly from the  
4 graph guard section of the Police Department.

5 Q Okay. In the -- just using the Roman homicide  
6 investigation as an example, in the Roman homicide  
7 investigation, the typical practice would've been to  
8 produce the entire Roman homicide investigative file to  
9 the prosecutors, correct?

10 A That's correct.

11 Q Okay. And any information then that was  
12 included in the Roman investigative file would go to the  
13 prosecutors, correct?

14 A Yes, that's correct.

15 Q And if there was information, for example,  
16 that was in a supplementary report in another case, like  
17 this Exhibit 5 that I just showed you -- did we mark  
18 this as Exhibit 4 or Exhibit 5? Exhibit 4, I'm sorry.  
19 If there was any information in a supplementary report  
20 in a different case, like this Serrano/Montanez  
21 supplementary report in Exhibit 4 that I showed you, is  
22 there any mechanism to ensure that that report  
23 containing information about the Roman case would be  
24 produced to the prosecutors in the Roman case?

25 MS. ROSEN: Objection, form, foundation,

1 incomplete hypothetical.

2 A No. There is no mechanism other than the  
3 detective including it, but there is no mechanism to  
4 ensure that that happens.

5 Q Okay. And the only way for that -- so the  
6 only mechanism that exist is that the information is  
7 supposed to be documented in the Roman investigative  
8 file itself, since that's what's going to go to the  
9 prosecutor, correct?

10 MS. ROSEN: Objection. Form, foundation.

11 A You know, it could be something as simple as  
12 including this -- this -- a copy of this report with  
13 that section highlighted. I -- I don't know that a  
14 separate report needs to be generated to capture the  
15 same information that's -- that's contained here. But  
16 yeah, there should be something in -- in the file that  
17 indicates what this information is here.

18 Q Let's pull that document down. All right. I'm  
19 showing you a document that I have marked as Exhibit 5.  
20 This is the set of GPRs in the case. Let me just pull  
21 them up here. Okay. I've marked as Exhibit 5 RFC  
22 Iglesias 59 through 77, and I think we should -- we're  
23 likely going to go through this quickly, because all I'm  
24 going to ask you is whether you recognize any of the  
25 handwriting on any of these pages, okay? And I --

1 suspect I know the answer, but -- so let me -- should I  
2 just go through these one by one for you, or do you want  
3 the -- Dave, do you have the document?

4 (EXHIBIT 5 MARKED FOR IDENTIFICATION)

5 MR. BRUEGGEN: Yeah, I'm pulling it up right  
6 now. You said 59 through 70?

7 MR. SWAMINATHAN: 59 through page 77.

8 MR. BRUEGGEN: We have the document here.

9 THE WITNESS: Okay. Do you want me to just go  
10 page by page?

11 BY MR. SWAMINATHAN:

12 Q Yeah. Why don't -- why don't we -- why don't  
13 you just go through it and tell me if you recognize any  
14 of the handwriting on any of these pages. And then when  
15 you're done, just tell -- why don't you go through it  
16 all, and then just tell me at the end, and then we can  
17 clear it up if we need to?

18 MR. BRUEGGEN: So just to be clear Anand, if he  
19 recognizes his handwriting or anybody else's  
20 handwriting?

21 Q Exactly correct.

22 A Okay. There's nothing on 59 that I recognize.

23 Q So nothing on 59 is your handwriting or any --  
24 why don't we do it this way? Let's just go through and  
25 identify any handwriting that's yours, okay?

1 A Okay.

2 Q And then if there's -- if there's one where  
3 you identify -- where you say, "I -- it's not my  
4 handwriting, but I actually recognize who this is," we  
5 can -- let me know that, but just first go through and  
6 tell me if any of this handwriting is yours.

7 A Okay. So on page 59, nothing is my  
8 handwriting, nor do I recognize anyone else's. Do you  
9 want me to do it like that?

10 Q Yeah, that's fine.

11 A On page 60, none of this is my handwriting,  
12 nor do I recognize anyone else's.

13 Q Okay. Page 61?

14 A Page 61, none of this is my handwriting, nor  
15 do I recognize it as anyone else's.

16 Q Page 62?

17 A Page 62, none of this is my handwriting, nor  
18 do I recognize anyone else.

19 Q Page 63?

20 A Page 63, none of this is my handwriting, nor  
21 do I recognize anyone else.

22 Q Page 64?

23 A Page 64, none of this is my handwriting, nor  
24 do I recognize anyone else.

25 Q Page 65?

1 A Page 65, none of this is my handwriting, nor  
2 do I recognize anyone else.

3 Q Page 66?

4 A Page 66. None of this is my handwriting, nor  
5 do I recognize anyone else.

6 Q Page 67.

7 A Page 67 is a graph and some handwriting. None  
8 of this was mine, nor anyone else's that I recognize.

9 Q Page 68.

10 A Page 68. I have a blank page; is that  
11 accurate?

12 Q Okay. So do I. Page 69.

13 A Page 69. None of this is my handwriting, nor  
14 do I recognize anyone else.

15 Q Page 70.

16 A Page 70 and is not my handwriting, nor do I  
17 recognize it as anyone else.

18 Q Page 71.

19 A Page 71 is not my handwriting, nor do I  
20 recognize it as anyone else.

21 Q Page 72.

22 A 72 is not my handwriting, nor do I recognize  
23 anyone else.

24 Q 73.

25 A Page 73 is not my handwriting, nor do I



1 recognize anyone else.

2 Q Page 74.

3 A Page 74 is not my handwriting, nor do I  
4 recognize anyone else.

5 Q Page 75.

6 A 75 is not my handwriting, nor do I recognize  
7 it as anyone else.

8 Q Page 76 is a Vehicle Inquiry Report. We can  
9 skip that one. I just wanted to keep the handwritten  
10 notes in sequence.

11 A And --

12 Q Page 60 -- page 77.

13 A 77 is not mine, nor do I recognize it as  
14 anyone else.

15 Q Okay. Thank you. Now, if we go back to page  
16 76 the page before that --

17 A Yes.

18 Q -- the Vehicle Inquiry.

19 A Yes.

20 Q Did you perform this Vehicle Inquiry Request?

21 A Let's see. No, I did not.

22 Q Okay. Let me close this up. All right. I'm  
23 showing you a document I'm marking as Exhibit 6. I  
24 think this will be very quick.

25 (EXHIBIT 6 MARKED FOR IDENTIFICATION)

1 A Okay.

2 Q I'm just putting it up on the screen here  
3 because it's going to be -- I think just some chicken  
4 scratch on a page here. Okay. Looking at RFC Iglesias  
5 7, there -- looks like there's some numbers that have  
6 been written on a piece of paper. Do you recognize that  
7 handwriting as being your own?

8 A No. It is not mine, nor do I recognize it as  
9 anyone else.

10 Q Okay. Close that up. I'm showing you a  
11 document marked as Exhibit 7, which is RFC Iglesias 5.  
12 Do you recognize that handwriting?

13 (EXHIBIT 7 MARKED FOR IDENTIFICATION)

14 A No. It is not mine and nor do I recognize it  
15 as anyone else.

16 MS. ROSEN: What was the Bates on that one? It  
17 was cut off on the screen.

18 Q RFC 6 -- RFC Iglesias 5, sorry. Okay. I  
19 think you answered this, but let me just confirm. Have  
20 you ever had any communications with an individual named  
21 Francisco Vicente or Frankie Vicente?

22 A No. Not that I'm aware of.

23 Q Okay. Did you ever work with a police officer  
24 named Bill Dorsch?

25 A Bill Dorsch worked in Area 5 when I was there.

1 We didn't work -- we worked the same shift, but we  
2 weren't partners. We didn't work together. He worked  
3 with a guy named Johnston, I think.

4 **Q Do you have any opinion of Bill Dorsch?**

5 A No, not particularly. He was always kind of  
6 an entertaining guy to be honest, but no -- no opinion  
7 either way of him.

8 **Q Any opinion of him good or bad in terms of his**  
9 **skills as a homicide investigator?**

10 A No. No. I think he always did a decent job.

11 **Q Okay. Have you ever seen a Chicago police**  
12 **detective commit misconduct during the course of your**  
13 **career?**

14 A Not that I can recall. I'll have to go with  
15 no. But again, I -- I can't recall. That was so long  
16 ago and there's various degrees of misconduct. But off  
17 the top of my head, no. I -- I certainly would've  
18 reported it or taken some kind of an action, and I don't  
19 recall ever doing that.

20 **Q You again, anticipated my next question. Have**  
21 **you ever reported a Chicago police detective for**  
22 **committing misconduct in their treatment of civilians?**

23 A No. I mean, as a supervisor, if someone  
24 brought it to your attention, you would have to initiate  
25 a complaint against them. And I can't say with

1 certainty that that didn't happen, so I'll just have to  
2 say I don't recall as far as that goes. If -- if a  
3 citizen brought it to my attention that they were  
4 mistreated for some reason. You know, if I was to hear  
5 something that alerted me, I would certainly have to  
6 take action. I don't recall that happening, but again,  
7 I can't say with certainty that it didn't.

8 Q Okay. So let me try to break that down a  
9 little bit. Again, starting with detectives, can you  
10 recall any instance in which you came to believe that a  
11 Chicago police detective had committed misconduct?

12 A Can you re -- restate the question?

13 Q Yeah.

14 A Repeat it.

15 Q Have you had any instances when you believed  
16 -- based on information you learned that you believed a  
17 Chicago police detective had committed misconduct in his  
18 treatment of a civilian?

19 A Again, I -- there may have been. I just don't  
20 recall if -- I can say with certainty that if I was  
21 aware of it or I did become aware of it, I would've  
22 taken some action, initiated a complaint, and I don't  
23 know that I did or did not do that. It's just so long  
24 ago. I just can't remember. Cer -- certainly nothing  
25 so egregious that it would stick in my mind.

1 Q Okay.

2 A Yeah. So yeah, I have to go with I don't  
3 recall, possibly.

4 Q Okay. And as you sit here today, can you  
5 recall any instance when you personally came to the  
6 belief that one of your fellow detectives had committed  
7 misconduct in their treatment of a civilian?

8 MR. BRUEGGEN: Object to form. Go ahead.

9 A No, I cannot. As I sit here right now, I -- I  
10 can't, no.

11 Q Okay. And can you -- as you sit here today,  
12 can you recall any instance in which you reported to a  
13 supervisor that you believed one of your colleagues had  
14 committed misconduct against a civilian?

15 A No. I don't ever remember having to report  
16 someone, no.

17 Q Okay. And can you -- during your time as a  
18 Chicago police officer in all your various capacities,  
19 do you recall any instances in which you personally  
20 reported another colleague in the Chicago Police  
21 Department for committing misconduct in their treatment  
22 of a civilian?

23 A Yes.

24 Q And how many times did that occur?

25 A And I hope you don't ask me for specifics

1 because I can't provide them. But I would say, you  
2 know, I was -- I was a supervisor for, like, 25 of my 35  
3 years. So in that capacity, that's -- you know, that's  
4 one of the things that you have to do, unfortunately. So  
5 I would say maybe a dozen times, maybe two dozen times I  
6 would have to initiate a -- a -- a complaint  
7 investigation against an officer for some sort of  
8 misconduct.

9 Q And where you had to do that and say, based on  
10 misconduct, would -- is that misconduct sort of internal  
11 department misconduct or department -- or misconduct in  
12 terms of treatment of a citizen or civilian?

13 MR. BRUEGGEN: Object to foundation. Go ahead.

14 A You know, if citizens bring it to your  
15 attention, then, you know, that's -- that's one method.  
16 There's also just one that sticks out on the top of my  
17 head, because it was -- it turned kind of ugly. The --  
18 there was an officer who -- we were in the 17th District  
19 and had to do a search warrant at a bar and he actually  
20 tipped off the bar owner that we were coming in, so I  
21 initiated a complaint investigation against him. But as  
22 far as like -- like witnessing an officer mistreating a  
23 citizen, I don't know that -- that I've ever witnessed  
24 that. Now again, most of my career I spent as a  
25 supervisor. And while, you know, we all agree those

1 things happen, they don't happen in front of  
2 supervisors. So, you know, it wasn't likely that  
3 something like that would happen in my presence. But if  
4 a citizen brought it to my attention, there's a very cut  
5 and dry policy on how it's supposed to be followed, and  
6 I -- I always followed that policy.

7 Q Okay. And so the policy was that if a citizen  
8 came to a supervisor with a complaint that an officer  
9 had committed misconduct, the supervisor was required to  
10 report that by opening a CR, correct?

11 A That's correct.

12 Q Okay. And you always followed that policy,  
13 correct?

14 A I did.

15 Q Okay. And of those approximately 12 times  
16 that you recall initiating a complaint against an  
17 officer for mistreatment of civilians, what percentage  
18 of -- or what number of those 12 were the example that I  
19 just to speak -- the example I just gave where a  
20 civilian came to you and you have an obligation to  
21 report it?

22 MS. ROSEN: Objection, misstates his testimony.  
23 I think he said 12 to 24.

24 Q I'm sorry.

25 A Yeah. I mean, I'm -- I'm really ball parking

1 when I say 12. I -- I'm just thinking like, you know,  
2 12 would be a -- a complaint. I -- I mean, there would  
3 be a complaint every two years. So it was probably a  
4 higher number than that, but -- so the question is what  
5 -- what number of those was --

6 Q Yeah. In the cases where you reported an  
7 officer by opening a CR, has it been pursuant to the  
8 mandatory obligation to report any instances when a  
9 civilian comes to you as a supervisor?

10 A Oh, okay. I -- I would say maybe, you know,  
11 maybe three-quarters of them came from a civilian  
12 complaint and maybe the other quarter, or maybe, you  
13 know, a third came from things that came to my  
14 attention. Again, when -- when there's going to be  
15 misconduct, the officer is not going to do it in the  
16 presence of a supervisor. I mean, that would be -- that  
17 would be, you know, not smart. So it's not something  
18 that, as a supervisor, you're going to witness firsthand  
19 very often. So the bulk of those complaints are going  
20 to come to you via a citizen or from a third party or  
21 something of that nature. So maybe two-thirds of the  
22 complaints that I ever filed came from citizens. Another  
23 one-third came from things that I saw or -- or found out  
24 on my own.

25 Q Okay. Okay. During the time that you were a



1 Chicago Police Officer, was there ever a period of time  
2 in which you would acknowledge the existence of a code  
3 of silence within the department with regard to  
4 misconduct by Chicago police officers?

5 MS. ROSEN: Objection. Form.

6 A You know, early on in my career, I think that  
7 there was -- I don't -- I don't want to call it a code  
8 of silence, but there was a reluctance for anyone to --  
9 to talk about misconduct among the ranks. You know, no  
10 one's ever said, hey, it's a code of silence, or you  
11 can't say anything. I think there was just a reluctance  
12 to ever talk about anything of that nature. And over  
13 the course of time, that kind of broke down. And -- to  
14 the point now where I would -- I -- I think I can  
15 honestly say that in the last few years of my career,  
16 that was -- that was nonexistent. The accountability  
17 for not saying something or for lying is probably worse  
18 than the offense itself. So -- yeah. So I -- I -- I  
19 mean, there was probably a time -- and I'm not going to,  
20 you know, call it a code of silence, but there was  
21 probably a time when cooperation was -- was really  
22 frowned upon by your coworkers. So there was not a lot  
23 of -- certainly nobody volunteered to come forward and  
24 -- and say anything like very early on in my career.

25 Q Okay. And then you said that your view is

1 that today it's -- it's actually gotten much better?

2 A Oh, my God. Lightyears better, yeah.

3 Q What sparked the change in your view? Was it  
4 a -- was it a particular superintendent? Was there a  
5 particular policy change? What was it?

6 MS. ROSEN: Objection, form.

7 A Yeah. I don't know. I think the climate has  
8 changed, certainly. There's just a -- nobody wants to  
9 stick their neck out to lie for somebody who's -- who's  
10 -- who's breaking the rules. So it -- there's kind of a  
11 feeling now, if you're going to break the rules, you --  
12 you better be prepared to suffer the consequences  
13 because I'm not going to go down because, you know,  
14 you're breaking the rules. So I think the whole, you  
15 know, keep your mouth shut or, you know, you're going to  
16 be ostracized if you speak out has -- has really kind of  
17 gone away as far as I know. I mean, it -- you know, and  
18 again as -- as a first deputy superintendent, you're  
19 seven ranks removed from what's going on on the streets.  
20 And, you know, that's the unfortunate reality of working  
21 out of that -- that headquarters. But you still hear  
22 enough and you see enough and -- and, you know, weekly  
23 meetings with internal affairs and stuff, you can see  
24 where there's a level of cooperation among officers who  
25 witness other officers misconduct now that certainly was

1 not there 35, 37 years ago when I came on.

2 Q Okay. And I know you've made public comments  
3 relatively recently in the recent years about the need  
4 to rebuild trust with communities, which I thought was  
5 cool. You -- is that part of one of the ways that, in  
6 your view, the department in recent years has been  
7 focused on rebuilding trust, just to sort of try to  
8 ensure that there's more accountability?

9 A It -- it is. I think that's a big part of it.  
10 There's -- there's got to be accountability where  
11 there's misconduct, but I think we also have to be able  
12 to differentiate the difference between misconduct and  
13 mistakes. Mistakes we can correct through training,  
14 misconduct we have to correct through discipline. And  
15 the important thing is we can't -- we can't confuse the  
16 two. We have to be sure that when you make a mistake  
17 that that's addressed through training. And we don't  
18 want to -- you know, we don't want to decapitate a guy  
19 because he made a mistake. Misconduct, totally  
20 different animal. I think we have to be clear and firm  
21 on how we handle that, but mistakes have to be handled  
22 differently.

23 Q And so this -- I think without calling it -- I  
24 think -- I don't want to put words in your mouth so -- I  
25 want to be fair to you. This culture that you described

1 where there was -- when -- in your earlier years, when  
2 there was a reluctance to talk about misconduct among  
3 the ranks, I think is the phrase you used.

4 A Yes.

5 Q In your view, when did that change and that  
6 culture really change? I know you said today it's much  
7 different. Was it the Laquan McDonald moment, or what  
8 moment sort of changed that in your mind?

9 MS. ROSEN: Objection. Form, foundation.

10 A I -- I think it changed prior to McDonald,  
11 because you saw a lot of officers come out and testify  
12 about exactly what happened in -- in McDonald. There  
13 was no -- there was no effort to cover that up. I mean,  
14 despite some media coverage, I was -- I was kind of kept  
15 abreast of everything that was going on in that. And so  
16 I think that it -- I think it's something that's been  
17 kind of building, it's kind of evolved over the course  
18 of time, and it's to the point now where -- where I  
19 think it's -- if it's happening, it's extremely rare and  
20 it's much more the exception than -- than the rule. But  
21 I think it's been -- it -- kind of a gradual thing. I  
22 don't think there was any one -- one incident or one day  
23 where suddenly people woke up and said oh, my God -- now  
24 having said that, the department began holding officers  
25 who give testimony in these -- in these incidents about

1 other officers accountable through that Rule 14  
2 violation that -- a false official report, and Rule 14  
3 is a fireable offense. So you've got a guy who -- who  
4 may be looking at a three-day suspension for violating a  
5 pursuit policy. If the partner lies about it, he's  
6 looking at getting fired. Now he's looking at a Rule 14  
7 violation. The driver of the car might get three days  
8 for violating the pursuit policy, but the guy who lies  
9 might be looking at getting fired. So I think the  
10 application of Rule 14 to these -- these investigations,  
11 ECR investigations, has probably put officers in a  
12 position where they're thinking, hey, this is my health  
13 insurance. This is my paycheck. This is my kids'  
14 tuition. This is the mortgage on my house. I'm not  
15 going to risk my job and lie because you screwed up. So  
16 you screw up, go in and own it, take your three days,  
17 learn from it, and move on versus I'm going to lie to  
18 cover up for you and then risk losing my job. So I  
19 think the application of that Rule 14 violation has --  
20 has -- has moved -- moved this forward quite a bit. You  
21 know, body cameras, I think for -- for all the good that  
22 they do as far as capturing crime and some of the insane  
23 behavior that officers have to deal with, they also keep  
24 them more on the straight and narrow as well. So I  
25 think body cameras have helped. So I think it's been a

1 lot of things in a -- in kind of a building over the  
2 course of time that's really led to a much -- there is  
3 no code of silence. It's -- it's eroded any -- any sort  
4 of reluctance or -- or -- or desire to -- to cover up  
5 any sort of misconduct. That's my opinion. I -- I  
6 could be wrong, but that's my opinion.

7 **Q So in your view, a major step has been the**  
8 **enforcement of Rule 14 violations. Do I have that**  
9 **right?**

10 **A** I -- I think that's been a major recent step,  
11 yes. I think body cameras, you know, looking back  
12 several years when those first came out, I think that  
13 was an important step and --

14 **Q When did -- oh, I'm sorry. Go ahead.**

15 **A** No, go ahead. And -- and I think there's been  
16 other kind of milestones along the way, but it's just  
17 been a gradual breaking down of it and -- you know, to  
18 the point where we're at today and I -- and I think  
19 we're -- we're in a good place. I think there's always  
20 room to improve, but I think we're in a good place  
21 today.

22 **Q Okay. Thank you for that. So when did that**  
23 **Rule 14 -- strike that. The enforcement of Rule 14**  
24 **violations as a major step forward, when did that begin,**  
25 **approximately?**

1 A That was --

2 MR. BRUEGGEN: Object to form, foundation. Go  
3 ahead.

4 A I think that was something that kind of came  
5 to be during Eddie Johnson and my tenure kind of early  
6 on. So maybe like, you know, that 2017, 2018 timeframe.  
7 I think we, in some discussions with internal affairs,  
8 started implementing that element into the statements.  
9 So -- to the point where officers are told, this is an  
10 official report. If you're lying, you're violating Rule  
11 14 and you're subject to termination. So I think  
12 introducing that into every -- every statement that's  
13 taken helped enormously. So yeah. It -- it's still  
14 relatively new. You know, maybe five, six years that's  
15 -- that's been around, but I think it's helped a lot.

16 Q And then the -- another big step that you  
17 mentioned was the advent of body -- the body cameras.

18 A Right.

19 Q Around -- when did that start to get  
20 introduced into the Chicago Police Department? Again,  
21 approximately.

22 A Well, in-car cameras started first, and that  
23 was probably around 2014. And so, that helped. And as  
24 you know, Laquan McDonald was captured, not on body  
25 cameras, but on an in-car camera. And so, when we saw

1 the in-car cameras, we would -- we saw like, you know,  
2 indisputable facts. Even the presence of video cameras  
3 all over everywhere you go, as much as detectives go and  
4 pull those -- those -- those cameras for criminal  
5 investigations, internal affairs pulls them. IPRA pulls  
6 them for police investigations as -- as well. So I  
7 think the presence of in-car cameras, video cameras,  
8 certainly body-worn cameras, that has -- has helped  
9 enormously as well. Because you can't -- I mean, the  
10 camera captures what it captures, and sometimes there's  
11 an excuse and there's things happening outside the eye  
12 of the camera. But for the most part, the camera tells  
13 an indisputable story. So that helps to bring about  
14 more accurate statements in these misconduct cases as  
15 well. I -- we would review them regularly when I was up  
16 with Superintendent Johnson. We would review body  
17 cameras from incidents that had -- that had occurred.

18 There's a unit that was formed within the  
19 police department, the Force Review Unit, that anytime  
20 there's a use of force, they will review the -- the  
21 paper report, but they will also pull the body cameras  
22 from anybody who was there. And they will review all  
23 the footage on the body camera to ensure that -- a  
24 couple things: number one, were the policies followed?  
25 And number two, is there a need for additional training



1 of some sort? So the presence of body cameras has --  
2 has been great as far as training and as far as also  
3 ensuring accurate statements. And -- and, you know,  
4 where there's misconduct, then there's -- there's going  
5 to be discipline as well.

6 Q Okay --

7 MR. BRUEGGEN: Can we take a quick break so I  
8 can run to the bathroom?

9 MR. SWAMINATHAN: Yeah, sorry.

10 COURT REPORTER: We're off the record. The  
11 time is 4:41.

12 (OFF THE RECORD)

13 COURT REPORTER: We're back on the record for  
14 the deposition of Anthony Riccio being conducted by  
15 videoconference. My name is Sydney Little. Today  
16 is May 18, 2022, and the time is 4:49.

17 BY MR. SWAMINATHAN:

18 Q All right. One of the things you identified  
19 as making -- as resulting in a big step in improving the  
20 culture of a reluctance to talk about misconduct among  
21 the ranks, was the change in the mid-2000s, call it 2015  
22 approximately, when there was greater enforcement of  
23 Rule 14 violations, correct?

24 A Correct.

25 Q Okay. And then another big step in changing

1 the culture of reluctance to talk about misconduct among  
2 the ranks was the advent of body cameras, in-car  
3 cameras, and other video footage, correct?

4 A Yes, correct.

5 Q And that took place, fair to say, starting in  
6 probably the early 2010s and on as more and more cameras  
7 were becoming more prevalent.

8 A Yeah. Approximately, yes.

9 Q Okay. And then, what else was a big step in  
10 changing and ending that culture of a reluctance to talk  
11 about misconduct among the ranks, other than those two  
12 things you've just discussed?

13 MR. BRUEGGEN: Object to form. Misstates his  
14 testimony. Go ahead.

15 A I -- I don't know that I could put my thumb on  
16 any one particular thing. And I -- I should point out  
17 that there was some individuals who were reluctant to  
18 say things, but I don't want it to appear that that was  
19 like the culture of the department. There were some  
20 individuals who had always had this reluctance, but not  
21 the entire department or not the culture of the  
22 department.

23 Q So is it your testimony that, in fact, there  
24 wasn't any kind of culture within the police department  
25 in which there was -- it was frowned upon to talk about

1 misconduct by fellow officers?

2 MR. BRUEGGEN: Object to form, culture. Go  
3 ahead.

4 A No. I think there were individuals who felt  
5 that way, but as far as a culture within the department,  
6 I don't believe that was ever the case, no. But there  
7 were certainly individuals who felt that way, yes.

8 Q Yeah. And what -- why do you believe there  
9 were officers who felt that way in your -- the early  
10 part of your career as you mentioned?

11 A I -- I -- I don't -- I don't recall. I don't  
12 know what it was that led me to conclude that. I mean,  
13 again, it was 30 years ago, so it's hard to put my thumb  
14 on it.

15 Q That -- the fact -- the idea that there were  
16 people who were feeling that way and had a reluctance to  
17 talk about -- to talk about misconduct among the ranks,  
18 fair to say that continued well into the 2000s?

19 MR. BRUEGGEN: Object to form. Vague. Go  
20 ahead.

21 A I don't know. I mean, again, it's -- it's  
22 certain individuals, it's not everybody. So I would  
23 imagine that there probably were, but I couldn't say for  
24 certain. But there -- you know, there were individuals  
25 probably who felt that way into the 2000s.

1 Q Were you aware that in 2016 in a lawsuit filed  
2 by CPD Whistleblowers Shannon Spalding and Daniel  
3 Echeverria, the City offered to stipulate that a code of  
4 silence existed in the Chicago Police Department?

5 MS. ROSEN: Objection. Form, foundation, and  
6 I'm pretty sure mischaracterizes what happened.

7 A No. I -- I was not aware of that case or  
8 those individuals.

9 Q Do you dispute that well -- strike that.  
10 You're aware, I assume, that in December of 2015 in a  
11 speech to City Counsel, Rahm Emmanuel acknowledged the  
12 existence of a code of silence, correct?

13 MS. ROSEN: Objection. Objection. Form,  
14 foundation, and mischaracterizes what the mayor  
15 said.

16 A Yes, I was -- I was aware that he said that.

17 Q Okay. And what was your reaction to that?

18 A I -- I disagreed.

19 Q Okay. And did you ever say that publicly?

20 A No. I -- well, I don't -- I don't know. Not  
21 -- not publicly, like, you know, to the news media or  
22 anything, but I -- I certainly -- I certainly didn't  
23 agree that there was a code of silence. He made it  
24 sound like it was a cultural thing or it was rampant  
25 throughout the department. And I -- I didn't agree with

1 that.

2 Q So is your -- is your view about the  
3 difference between -- your disagreement with the mayor  
4 at that time was not that there weren't -- your  
5 disagreement was -- let me see if I understand  
6 correctly. Your disagreement when the mayor made that  
7 comment is that he made it sound like it was more  
8 prevalent of a problem than it was; is that correct?

9 A I -- I -- I think that's accurate. I think  
10 that his statement implied that it was -- the Chicago  
11 Police Department had a code of silence and it kind of  
12 gave the impression that it was the entire department,  
13 or it was rampant through the department. And again, I  
14 would say that there were individuals within the  
15 department. It's an organization of, you know, about  
16 14,000 sworn and civilian. So certainly, there are  
17 individuals who would feel that way, but I -- I don't  
18 believe that was the overall culture of the department.  
19 And I think his statement to -- was interpreted by me  
20 and -- and probably by many that it was a cultural thing  
21 or that it was rampant through the department. And I --  
22 I disagreed with that.

23 Q Okay. Do you agree that, at the time the  
24 mayor made those comments in 2015, that there were --  
25 there were still significant numbers of individuals in

1 the Chicago Police Department, even if not rampant or  
2 entirely, who felt a reluctance to talk about misconduct  
3 among their fellow officers?

4 MR. BRUEGGEN: Object to form.

5 MS. ROSEN: Foundation.

6 A Yeah. I mean, I -- I think the term you said  
7 was significant number. I don't know that it -- that  
8 it's a significant number or what constitutes a  
9 significant number. I -- I will -- I will agree that  
10 there were some individuals and there have been  
11 throughout my career some individuals who felt that way,  
12 but I -- again, I don't think that's the prevailing  
13 thought among people in the department. It -- it -- it  
14 certainly hasn't been my experience that that was  
15 prevailing or cultural, but there are some individuals  
16 who have felt that way always, and there probably still  
17 are some today. But I don't think that's prevalent or  
18 the -- the majority. I think it's a -- a small number  
19 of individuals who feel that way.

20 Q Do you -- the reluctance to talk about  
21 misconduct among the ranks that you -- that you observed  
22 to some extent from earlier in your career, would you  
23 say that that -- the big change in terms of that -- the  
24 extent to which you see that problem, the change  
25 occurred substantially once you got into the timeframe

1 of 2010 when you started to have video and you started  
2 to have this greater enforcement of Rule 14 violations?

3 MR. BRUEGGEN: Object to form.

4 A No. I think, as I said earlier, it's -- it's  
5 been a -- kind of a gradual eroding of that. Excuse me.  
6 Again, I don't think it was ever rampant, but I think  
7 that that small group of individuals who felt this way  
8 is probably an even smaller group today. And that the  
9 -- I don't -- I don't think it started like in the 2010s  
10 or -- or anything. I think it's been a continuous  
11 improvement.

12 Q The reluctance to talk about misconduct among  
13 the ranks that you experienced earlier in your career,  
14 what was the part of your career would you say you  
15 experienced that and observed that reluctance to talk  
16 about misconduct?

17 A God. I mean, that's 30 years ago. I -- I  
18 don't even know that I could nail that down. It's been  
19 so long. I wouldn't be able to pin that down.

20 Q Was that something that you experienced and  
21 observed during the first ten years of your career?

22 A Again, I don't think that I could pin it down  
23 to a certain timeframe. It's just been so long. I'd be  
24 just -- I'd be guessing.

25 Q As you look back on your career and you -- and

1 you made that observation about those earlier years, can  
2 you pinpoint it to being associated with the time that  
3 you were working as a tactical officer or detective, or  
4 as a sergeant, anything like that?

5 A No. I -- I think as you move up the ranks  
6 though, you become more detached from -- from what's  
7 going on. So you have less -- less information about --  
8 about what's -- what's actually going on at that -- at  
9 that street level. So it would be impossible for me to  
10 actually pin down when it was.

11 Q Okay. And would it be fair to say that in  
12 terms of your ability to really observe that reluctance  
13 to talk about misconduct among the ranks, that it's the  
14 kind of thing that, you know, once you move to this  
15 level of lieutenant and higher, it becomes harder and  
16 harder to observe that because you're at least one layer  
17 removed from the day-to-day officers.

18 MS. ROSEN: Objection, foundation.

19 A Yeah. I mean, even -- even as a sergeant,  
20 you're -- you're removed from the -- you're one rank  
21 removed from -- from that. And then as you continue to  
22 move up, you continue to be more and more detached from  
23 it. You see improvements in different ways, like we  
24 talked about earlier. But yeah, I mean, you -- you do.  
25 The more you move up, the more detached, unfortunately,



1 you are from what's going on on this street.

2 Q The reluctance to talk about misconduct among  
3 the ranks that you observed earlier in your career, do  
4 you -- would you say that observation and -- of yours is  
5 based on your experience in the period from 1986 to  
6 1994, before you became a sergeant?

7 MR. BRUEGGEN: Object to foundation.

8 A I'm sorry, can you repeat the question?

9 Q Yes. So that -- the reluctance to talk about  
10 misconduct among the ranks that you observed earlier in  
11 your career, would you say that that is based primarily  
12 on observant -- observations made during the period of  
13 your career between '86 and '94 when you first became a  
14 supervisor?

15 MR. BRUEGGEN: Objection, foundation. Go  
16 ahead.

17 A Yeah. I mean, I don't know that's the  
18 accurate either. And again, it wasn't the culture. It  
19 wasn't -- it wasn't so prevailing. It was a limited  
20 group of individuals, a small number of individuals, I  
21 think. So it's really difficult to pin down exactly  
22 like when this was, or -- or who was involved in it or  
23 -- or -- or anything. So I think just a group of  
24 individuals has always been present. But again, it's  
25 not the culture. In a -- in a -- in an organization of

1 14,000 people I -- a small group of people who feel that  
2 way or may have felt that way at one time or another is  
3 -- is -- it -- really a -- a limited number.

4 Q In terms of -- you've identified several  
5 things that took place in the 2010s that you think  
6 resulted in a major improvement in terms of reducing  
7 reluctance to talk about misconduct among the ranks,  
8 fair?

9 A Fair.

10 Q Okay. Tell me any things that you recall from  
11 the period of the 2000s that you believe were a major  
12 step in reducing the reluctance to talk misconduct among  
13 the ranks?

14 A I don't know that I could pinpoint anything  
15 beyond then, partially because my memory is not that  
16 good. But -- you know, I don't know if it was just  
17 changing times or -- or -- or whatever it was, but that  
18 small group of individuals, I believe, just continued to  
19 get smaller and smaller. And the reluctance to -- to  
20 talk about that, I think, just eroded over time.

21 Q Are there -- I'm sorry, go ahead.

22 A I was going to say policemen now are different  
23 than policemen were 30 years ago, and policemen 30 years  
24 ago are different than policemen 50 years ago. It's --  
25 it's just, the profession evolved. And -- and the

1 people in it evolved with the times.

2 Q Do -- can you -- are there any improvements or  
3 steps or reforms you can identify from the 1990s that  
4 you believe significant -- that were a major step in  
5 reducing a reluctance to talk about misconduct among  
6 ranks?

7 A Not off the top of my head, no.

8 Q And I think I might have asked this, but are  
9 -- can you identify any reforms or steps that you  
10 believe occurred in the 2000s that reduced the  
11 reluctance to talk about misconduct among the ranks?

12 A Not that I can think of off the top of my  
13 head.

14 Q Okay. All right. And then let me ask you  
15 about -- I asked you a few questions about -- about  
16 (Inaudible) previously, and you had indicated that  
17 you --

18 A Anand, can you start over? I lost that when  
19 you grabbed that.

20 Q I asked you some previous questions about Joe  
21 Miedzianowski, who you indicated was a gang specialist  
22 when you were a gang officer. So you were not in the  
23 same group, correct?

24 A That's correct.

25 Q Okay. And you indicated that you really

1 didn't interact with him that often because you were  
2 working in different tactical groups, correct?

3 A I -- I think it's fair to say I didn't  
4 interact with him at all.

5 Q Okay. Did you -- did he have any reputation  
6 during the time that you were both working as gang --  
7 gang officers?

8 A No. I don't know that he had a reputation,  
9 no. I mean, he was just a -- he was a very strong,  
10 physical guy, muscular. I remember he had a crushing  
11 handshake, but as far as -- as anything else about him?  
12 No, I really didn't know -- I didn't know him. I really  
13 didn't -- I think if he saw me today, he wouldn't be  
14 able to tell you who I was. He was just -- you know, I  
15 knew of him because he was such a strong, muscular guy,  
16 kind of big personality.

17 Q Did you ever see him around the detective  
18 division talking with any detectives? Strike that. When  
19 you were -- let me clarify, actually. Let me ask it a  
20 better way. When you were a detective working out of  
21 Area 5 --

22 A Yes.

23 Q -- would you ever see you Joe Miedzianowski  
24 over in the detective division area?

25 A I don't recall ever seeing him there. Again,

1 I worked days and midnights and he -- maybe he worked a  
2 different watch. I don't -- I really don't know, but I  
3 don't recall seeing him up there.

4 Q Do you have any knowledge one way or other  
5 about whether Joe Miedzianowski would sometimes come and  
6 meet with Rey Guevara at Area 5?

7 A I -- I have no knowledge.

8 MS. ROSEN: Object to foundation.

9 Q Did you ever hear about allegations from  
10 detectives that Joe Miedzianowski was interfering or  
11 tampering in homicide investigations?

12 A Sometime -- sometime after I was gone, I had  
13 heard that he had been banned from going up to Area 5. I  
14 -- I don't know what the reason for it was, but I knew  
15 that there was some conflict. And I don't know if it  
16 was a conflict between him and another detective or  
17 something that brought that on, but I believe the  
18 commander of Area 5 prohibited him from coming up to  
19 Area 5.

20 Q And when you learned about that, that he had  
21 been banned from Area 5, that was while he was still a  
22 police officer before he'd been arrested by the feds,  
23 correct?

24 A Yes. That was while he was still a -- a gang  
25 specialist, I believe.

1 Q Okay. So would that have been while you were  
2 working -- this was after you were done being a  
3 detective, correct?

4 A You know, I don't re -- recall when it  
5 happened. I don't remember if I was a sergeant up there  
6 or if I was a detective up there. I wasn't part of  
7 whatever the incident was that led to that. I just  
8 remember guys talking about Miedzianowski is not allowed  
9 up on the floor anymore per the commander. And I really  
10 don't -- I mean, I may have known at the time, but I --  
11 I don't know as I sit here, what the reason for that  
12 was.

13 Q Okay. When -- and so in the period from '95  
14 or '96 to 1998, you were sergeant in the detective  
15 division, correct?

16 A Correct.

17 Q And so was that -- would that basically be the  
18 time period when you likely learned that he'd been  
19 banned from Area 5?

20 A Again, I don't -- I don't remember if I had  
21 still been a detective when that happened or if I had  
22 even been gone from Area 5. I -- I really don't  
23 remember when that occurred or when I learned about that  
24 occurring.

25 Q Okay. Did you ever learn why he had been

1 banned from Area 5?

2 A Again, at the time I may have known. I don't  
3 know it as I sit here. I don't know if it was a problem  
4 that he had with a detective or -- or another reason.  
5 I'm -- I'm not certain. There -- there was -- there was  
6 something that -- and I -- and I couldn't tell you when  
7 I -- when I learned about it. That -- I know it was a  
8 long time ago.

9 Q Did you ever -- while you were a detective,  
10 did you ever have concerns about gang crimes officers or  
11 other officers interfering in homicide investigations  
12 because of their own involvement with potential  
13 criminality?

14 A No.

15 Q During the time -- when you eventually -- was  
16 -- when you eventually found out that Miedzianowski had  
17 banned -- had been banned, at that point, did you ever  
18 hear anything about issues with gang crimes officers or  
19 anybody else tampering in homicide investigations?

20 A No.

21 Q Did you ever hear anything about Miedzianowski  
22 taking documents from homicide files and giving them to  
23 gang members?

24 A No.

25 Q At any point when you were a sergeant,

1 lieutenant, or commander at -- over detectives, did you  
2 ever learn about concerns that police officers had  
3 stolen or taken documents from homicide investigations  
4 and shared them with gang members?

5 A No.

6 Q If there had been concerns raised as high as  
7 the commander over detectives that an officer was taking  
8 documents from homicide files and sharing them with gang  
9 members, is that information you would've expected to  
10 learn about and wanted to learn about during the time  
11 you were a sergeant and lieutenant and commander  
12 overseeing detectives?

13 MS. ROSEN: Objection. Form.

14 MR. BRUEGGEN: Objection. Form, foundation,  
15 incomplete hypothetical.

16 A When I was a sergeant up there, I was a  
17 sergeant in robbery. So if this was happening, where --  
18 what you said, documents being taken out of homicide  
19 files, I don't know that would've come to my attention  
20 because it was a complete different operation. Homicide  
21 and robbery were -- were two completely separate groups  
22 of individuals. So I don't know that that would've been  
23 something that would've been shared with me, or if I  
24 would've, you know, found out from just chit-chat on the  
25 floor. So I -- I -- my answer to that would probably be



1 no.

2 Q Was there any point in the time that you were  
3 a detective, sergeant, lieutenant, or commander in which  
4 you came to learn of any internal CPD investigation into  
5 Joe Miedzianowski?

6 A No. I believe the first that I heard about  
7 Joe Miedzianowski having a problem is -- when he was  
8 actually indicted by the feds, I think was the first  
9 time that I heard anything about Joe Miedzianowski  
10 having problems.

11 Q Are you -- during your time as a detective,  
12 sergeant, lieutenant, and commander, are you aware of  
13 any efforts to review -- strike that. During the time  
14 that you were a detective, sergeant, lieutenant, and  
15 commander, are you aware of any efforts to find out who  
16 else within the Chicago Police Department may have been  
17 involved in his criminality?

18 MS. ROSEN: Objection, form foundation.

19 A Yeah. I -- I don't know if there was or was  
20 not any sort of investigation of the nature that you're  
21 speaking of. I don't know.

22 Q And you're not aware of any as you sit here  
23 today, correct?

24 A I am not.

25 Q And at any point in your career in the Chicago

1 Police Department from the time you were a -- a  
2 detective all the way through the time that you retired  
3 as a first deputy superintendent, did you ever come to  
4 learn of any internal Chicago Police Department  
5 investigation into the full scope of the criminality  
6 associated with Joe Miedzianowski?

7 A I did not. That's not to say that there was  
8 or was not one. I -- but I was never made aware of one.

9 Q Okay. Do you -- did you ever wonder in your  
10 role as a supervisor -- I mean, and the time you learned  
11 about the Miedzianowski criminal enterprise was, you  
12 said, when you first saw the news about his indictment,  
13 correct?

14 A Correct.

15 Q So at that time, around 1998, you were -- you  
16 were -- you were -- you had just gone from sergeant to  
17 lieutenant, correct?

18 A I -- I -- I don't know when it was. If you're  
19 saying it was 1998, then yes, that -- that was when I  
20 was promoted to lieutenant.

21 Q Okay. So did you, at that time, have any  
22 questions or concerns about how a Chicago police officer  
23 could be running a criminal enterprise out of the  
24 Chicago Police Department with no one knowing about it?

25 MS. ROSEN: Objection. Form, foundation as to

1 no one knowing about it.

2 A Yeah, that was outside of my scope, so I --I  
3 didn't -- I had no involvement in it or

4 Q Are you aware of any CPD investigation into  
5 how he got away with it for so long?

6 MR. BRUEGGEN: Objection, foundation.

7 A There may have been. I'm not aware of it, nor  
8 would I have been aware of it.

9 Q Do you believe the fact that Joe Miedzianowski  
10 was able to engage in the conduct that he was ultimately  
11 convicted of for as long as he was reflects some  
12 reluctance on the part of his colleagues to come forward  
13 about misconduct?

14 MS. ROSEN: Objection. Form, foundation, calls  
15 for speculation.

16 A Yeah. I -- I couldn't say either way.

17 Q Did it surprise you that this police officer  
18 had engaged in this level of criminality without anybody  
19 reporting it for so long out of the Chicago Police  
20 Department?

21 MS. ROSEN: Objection. Form, foundation, calls  
22 for speculation about who reported it and when.

23 A I -- I think that -- well, obviously there was  
24 an investigation because it wound up with him being  
25 arrested. I don't know who conducted the investigation,

1 if it was CPD or the FBI, or there was some sort of a  
2 coordinated investigation. But I mean, obviously there  
3 was a criminal investigation.

4 Q Yeah. Based on a complaint from an ATF agent  
5 by federal investigators. But any internal CPD  
6 reporting that you're aware of that resulted in that  
7 investigation into Miedzianowski?

8 MS. ROSEN: Objection. Form, foundation,  
9 mischaracterizes the evidence.

10 A I am not aware, nor would I have been aware or  
11 should I have been made aware, of such an investigation.

12 Q Okay. There are allegations in this case of  
13 -- that a key witness, Francisco Vicente, was physically  
14 abused by Reynaldo -- Reynaldo Guevara and Ernest  
15 Halvorsen. I assume you saw that in the complaint,  
16 correct?

17 A I haven't read the complaint.

18 Q Oh, okay. I'm sorry. In your time as a  
19 Chicago police officer, do you acknowledge, as somebody  
20 who's been in the Chicago Police Department for more  
21 than what, three decades, that there were instances in  
22 which Chicago Police Detectives abused suspects and  
23 witnesses?

24 MR. BRUEGGEN: Objection. Form, foundation.

25 A Yeah. I mean, I -- I can't acknowledge that

1 because I have no firsthand knowledge of it. So, you  
2 know, all I could say is I never witnessed it or had any  
3 information about it. So it's -- I can't acknowledge  
4 that something like that happened.

5 Q Are you aware of any internal acknowledgement  
6 within the Chicago Police Department that there has been  
7 abuse that occurred in interrogation rooms in detective  
8 division areas?

9 MR. BRUEGGEN: Objection. Form and foundation.

10 A Yeah. I'm not aware of any acknowledgement of  
11 it. I -- it's not to say there isn't, it's just that I  
12 personally am not aware of it.

13 Q And during your time as a sergeant,  
14 lieutenant, commander, deputy chief overseeing detective  
15 divisions -- either detectives or detective divisions  
16 entirely, was there any point at which you came to the  
17 conclusion that, yes, I acknowledge that, in fact, there  
18 are instances of abuse that have occurred in these  
19 detective divisions?

20 MR. BRUEGGEN: Objection. Form, foundation,  
21 asked and answered.

22 A I don't recall any abuses of the type that  
23 you're talking about being brought to my attention  
24 during my tenure within the -- the detective division.

25 Q Are you aware of any instances during the time

1 that you worked as a -- that -- either as a detective or  
2 at any point when you were supervising detectives, when  
3 there was any internal effort to make reforms in terms  
4 of interrogation practices based on allegations or  
5 findings of abuse by Chicago police officers?

6 MS. ROSEN: Objection. Form, foundation.

7 A No. I mean, you know, cameras were placed in  
8 interview rooms for -- for different types of  
9 investigations. And I think that was -- was a -- a good  
10 step.

11 Q I'm sorry. Yeah, why don't you go ahead and  
12 then I'll ask you my other question. Sorry.

13 A Yeah. No. I -- I think that was a good step  
14 that -- that cameras were placed in -- in the interview  
15 rooms for certain -- to record certain types of  
16 interrogations.

17 Q When that -- when cameras were put into  
18 interrogation rooms, that was done based on a -- based  
19 on a statute, not based on a particular instance of  
20 misconduct involving a Chicago police officer, fair?

21 MR. BRUEGGEN: Object to foundation.

22 A I -- I know they were expanded in -- into  
23 other types of investigations, sexual assaults, armed  
24 robbery with firearms, but I don't know that that was  
25 based on a statute. But I don't know what the initial

1 rollout was for cameras during homicide investigations.

2 I don't know.

3 Q During your time as a detective, were you ever  
4 told or talked to or trained about -- in relation to the  
5 allegations of misconduct against Jon Burge?

6 MR. BRUEGGEN: Object to foundation.

7 A No. That preceded my time in the detective  
8 division.

9 Q During your time as a sergeant in the Chicago  
10 Police Department, were you ever trained or talked to  
11 about the allegations of misconduct against Jon Burge?

12 MR. BRUEGGEN: Object to foundation.

13 MS. ROSEN: Wait, can you repeat the question?

14 Q During your time as a sergeant in the Chicago  
15 Police Department, were you -- were you ever talked to  
16 or trained based on the allegations of misconduct  
17 against Jon Burge?

18 MR. BRUEGGEN: Object to form, compound,  
19 foundation.

20 A Not that I can recall.

21 Q Did the allegations of misconduct against Jon  
22 Burge result in any training that you conducted as a  
23 sergeant to your detectives?

24 MR. BRUEGGEN: Object to foundation.

25 A I -- I don't know. I don't even recall when

1 the allegations against Burge came out, if I was still a  
2 sergeant or if I was even in the detective division. I  
3 -- I -- I don't -- I don't recall when that was.

4 Q When you were a lieutenant overseeing  
5 detectives, did you -- were you ever talked to or  
6 trained in relation -- strike that. During the time  
7 that you were a lieutenant in the Chicago Police  
8 Department, did anybody in the department ever talk to  
9 you or train you in order to make changes based on the  
10 allegations of misconduct against Jon Burge?

11 MR. BRUEGGEN: Object to form, compound,  
12 foundation.

13 A No.

14 Q Are you aware of the allegations against Jon  
15 Burge resulting -- strike that. Are you aware of the  
16 allegations and findings against Jon Burge resulting in  
17 any changes to the practices of the detective division,  
18 based on your experience as a lieutenant?

19 MR. BRUEGGEN: Object to form and foundation.

20 A There may have been, but I -- I don't know. I  
21 can't connect those dots. It was a long time ago for  
22 me.

23 Q As you sit here today, can you identify any  
24 changes that were made while you were lieutenant in the  
25 Chicago Police Department based on the allegations and



1 findings against Jon Burge?

2 MR. BRUEGGEN: Objection. Form, foundation,  
3 asked and answered.

4 A Again, there may have been, but I can't  
5 connect those dots. If some of the changes were related  
6 to the Burge allegations, I -- I don't know.

7 Q And as you sit here today, can you identify  
8 any changes that were made in the detective divisions  
9 based on the allegations and findings against Detective  
10 Guevara while you were a commander overseeing  
11 detectives?

12 MR. BRUEGGEN: Objection. Form, foundation.

13 A No. None that I can think of.

14 Q And as you sit here today, can you identify  
15 any changes that were made based on the allegations and  
16 findings of misconduct against Jon Burge during the time  
17 you were a deputy chief overseeing detectives?

18 MR. BRUEGGEN: Objection. Form and foundation.

19 A No. I -- I can't connect those dots. I don't  
20 know if any of the changes that were made were related  
21 to Burge or not.

22 Q Did you ever receive -- or did you ever  
23 receive any training about how to conduct interrogations  
24 based on the findings of misconduct against Jon Burge?

25 MR. BRUEGGEN: Object to foundation. Form.

1 A No.

2 Q Did you ever conduct any trainings for  
3 detectives working under you based on the findings of  
4 misconduct against Jon Burge?

5 MR. BRUEGGEN: Object to form and foundation.

6 A No, I did not.

7 Q Are you aware of any supervisors -- strike  
8 that. Are you aware -- are you aware of any sergeants,  
9 lieutenants, or commanders that you've worked with in  
10 the detective division who ever -- who have ever  
11 acknowledged that Jon Burge abused suspects in  
12 interrogation rooms?

13 MR. BRUEGGEN: Object to form.

14 A I don't -- I don't think I ever had that  
15 conversation with anyone. So my answer to that would be  
16 no.

17 Q Are you aware of any investigation that was  
18 made to identify if the problems -- strike that. Are  
19 you aware of any CPD investigation during your time over  
20 -- either as a detective or overseeing detectives in  
21 which there was any CPD investigation to identify if the  
22 allegations and findings involving Jon Burge were also  
23 true of others other than Jon Burge?

24 MR. BRUEGGEN: Object to form and foundation.

25 MS. ROSEN: Objection. And calls for

1 speculation.

2 A Yeah, there -- there may have been, but I'm  
3 not aware.

4 Q Okay. And are you aware of any CPD  
5 investigation to identify if the allegations and finding  
6 -- findings against Burge spread to other areas of the  
7 Chicago Police Department?

8 MR. BRUEGGEN: Object to form, foundation.

9 MS. ROSEN: Also speculation. And I don't know  
10 what you mean by the word spread. And you're asking  
11 questions of like a 30(b)(6) witness, and Mr. Riccio  
12 is definitely not a 30(b)(6) witness. He's a  
13 defendant in this case. So whatever it is you're  
14 trying to do here is improper.

15 BY MR. SWAMINATHAN:

16 Q Go ahead.

17 A No, I do not.

18 MS. ROSEN: How much longer do you have? You  
19 had represented earlier that you thought you'd be  
20 done by 5:00 and we're well past that. So can you  
21 let me know how much more time you have because I  
22 need to make arrangements.

23 MR. SWAMINATHAN: I think I've got about three  
24 to five minutes. I think we can take a break now  
25 and I'm just going to see what else I've got left.

1 I think it's probably no more than a few minutes.

2 And I -- I just need two minutes.

3 COURT REPORTER: All right. We're off the  
4 record. The time is 5:22.

5 (OFF THE RECORD)

6 COURT REPORTER: We are back on the record for  
7 the deposition of Anthony Riccio being conducted by  
8 videoconference. My name is Sydney Little. Today  
9 is May 18, 2022, and the time is 5:29 p.m.

10 BY MR. SWAMINATHAN:

11 Q Okay. I have one last set of questions for  
12 you, sir. And I appreciate your patience. Sir, have  
13 you ever been disciplined by the Chicago Police  
14 Department?

15 A Yes.

16 Q How many times?

17 A To the best of my recollection, one.

18 Q And when was that instance?

19 A 1987, '88, '89. Something like that. Late --  
20 late '80s.

21 Q Was that an incident involving a man named Gus  
22 Andros?

23 A Yes, that was it.

24 Q Okay. And did you ultimately suffer any  
25 discipline for that incident?

1 A A three-day suspension.

2 Q Was that three-day suspension upheld, or was  
3 it ultimately removed?

4 A You know, that's a good question. I -- I  
5 believe it was ultimately removed. I never served it. I  
6 never had the time taken away from me, so I believe --  
7 and it goes back a long way. I believe that it was --  
8 it was tossed out. And I don't remember why, if it was  
9 an arbitration or a grievance or whatever the facts may  
10 be. I do remember never having to serve the punishment,  
11 the discipline. So I -- I thought it was removed.

12 Q I'm showing you a document. This is the last  
13 thing I want to go through with you. I'm showing you a  
14 document that we are going to mark -- I think we're on  
15 Exhibit 8, and it is RFC Iglesias 1442 through 1567. And  
16 the first page indicates it's a Command Channel review  
17 complaint register investigation number 162909. And the  
18 date initiated is December 13th, it looks like, 1988.  
19 You see that, sir?

20 (EXHIBIT 8 MARKED FOR IDENTIFICATION)

21 A Yes, I do.

22 Q Okay. I am not going to go through this whole  
23 thing with you. I just want to go through one section  
24 primarily. Okay. I'm turning to page --

25 MR. BRUEGGEN: I've given him a hard copy.

1 Q You have a hard copy?

2 A Yes, I do.

3 MR. BRUEGGEN: Yeah. You if can tell him the  
4 page number --

5 Q Yeah. So let's go page 61, which is RFC  
6 Iglesias 1502.

7 A Yes.

8 Q Okay. So this is the beginning of a -- name  
9 of person interviewed, it says Anthony J. Riccio. Is  
10 that where you are?

11 A Yes, that's correct. Yes.

12 Q Okay. All right. I'm going to ask you about  
13 your interview, okay? And we're just going to go  
14 through it. All right. So you were questioned during  
15 -- during the -- during the CR investigation, you were  
16 questioned by this -- by the CR investigators, correct?

17 A Yes.

18 Q Okay. And I'm just going to -- I'm going to  
19 -- I'm going to skip around a little bit, so just make  
20 sure you're keeping up with me, okay?

21 A Okay.

22 Q I'm going to look on this -- on page 1502, I'm  
23 looking at line 16.

24 A Yes.

25 Q "Question: On the above date, did you and

1 Officer Navarro affect the arrest of one Gus Andros at  
2 the Amoco Gas Station located at Peterson and California  
3 Avenues? Answer: Yes." Do you see that, sir?

4 A Yes, I do.

5 Q Is that -- is that true that you did, in fact,  
6 arrest Gus Andros at the Amoco gas station?

7 A Yes, that's true.

8 Q Okay. And so you don't dispute that you were  
9 personally involved in an interaction with Gus Andros?

10 A Correct.

11 Q Okay. It indicates -- we're turning to the  
12 next page now.

13 A Okay.

14 Q It indicates starting on line 2 -- the end of  
15 line 2, it says, "A man seated in his car began yelling  
16 and screaming obscenities and creating a disturbance. I  
17 told him to leave on several occasions and to stop his  
18 yelling. He refused and I informed him that he was  
19 under arrest."

20 A Yes.

21 Q Is that statement true?

22 A Yes, it is.

23 Q Did Gus Andros begin yelling and scream  
24 obscenities at you?

25 A Yes, he did.

1 Q It states, "He started his car, placed it in  
2 gear. I reached inside of his window, turned the car  
3 off." Is that true?

4 A Yeah. To the best of my recollection, this is  
5 all -- this is all accurate. Yes.

6 Q Okay. It says here that, "He struck me on the  
7 right side of my head." Is that a true statement that  
8 Gus Andros struck you on the right side of your head?

9 A To the best of my recollection. Again, I have  
10 no independent recollection of this, so I'm just going  
11 off of this statement.

12 Q Okay. And as you sit here today, do you stand  
13 by your statement that he struck you on the right side  
14 of your head?

15 A Well, as I sit here today, I'm basically  
16 saying I have no independent recollection. I'm going  
17 off this statement on this paper.

18 Q Did you tell the truth when you gave this  
19 statement?

20 A Yes.

21 Q It says here that you, "Pulled open the door  
22 and he started kicking me." Is that a true statement  
23 that Gus Andros started kicking you?

24 A Again, I have no independent recollection of  
25 this. I'm just going off the statement on this paper.



1 Q Okay. "At that time, with my free hand, I  
2 used a technique known as a head stun learned in the  
3 academy." Did you use a head stun on Gus Andros?

4 A Again, I have no independent recollection. I'm  
5 going off of what it says on this paper. Yes.

6 Q Okay. Moving down. It says -- when you  
7 reached into Mr. Andros -- this is line 14, "When you  
8 reached into Mr. Andros' car, did you hit him across the  
9 face with an object?" "Answer: No, I didn't." Is that  
10 truthful testimony?

11 A Again, I'm going off what it says on this  
12 paper. I have no independent recollection of this.

13 Q Do you stand by what's written on that piece  
14 of paper that you never hit Mr. Andros across the face  
15 with an object?

16 A I have no independent recollection of this  
17 incident. This was from 1987, I believe. 1987, 1988.  
18 So I'm going off of what is on this paper.

19 Q And what's on this piece of paper, sitting  
20 here today, is it truthful or not truthful or you can't  
21 say?

22 A It's -- it's truthful.

23 Q Okay. And it says on this piece of paper --  
24 strike that. Did you, at any point -- let me just ask  
25 you. Did you at any point hit Mr. Andros with your

1 flashlight or mag light?

2 A No. I never used my flashlight or mag light  
3 as a weapon. So I could say with certainty that that  
4 was not the case --

5 Q Okay.

6 A -- in this incident either.

7 Q Okay. When you -- it says here, "When you  
8 applied this head stun, did you apply it to Mr. Andros'  
9 face?" "Answer: I believe so." Is that true?

10 A I have no independent recollection of this. So  
11 I'm just going off of what's on this paper.

12 Q Okay. If you look at line 23, it says,  
13 "Question: Did you, at that time, once he was  
14 out of the car, start to beat him about his body and his  
15 face with your fists?" "Answer: No." Is that truthful  
16 testimony?

17 A I have no independent recollection of this. So  
18 I'm just going off of this paper.

19 Q Is the statement that you did not beat him  
20 about his body and his face with your fists true, is it  
21 not true, or you can't say sitting here today?

22 MR. BRUEGGEN: Objection, misstates the  
23 testimony quoted, but go ahead.

24 A Yeah. I -- I can say that I have no  
25 independent recollection of this incident. We're

1 talking about a 30-second incident that happened  
2 30 years ago. I have no independent recollection of  
3 this. My only recollection is what is on this paper.

4 Q Okay. And so, as you sit here today, do you  
5 stand by this statement that you did not beat him about  
6 his body and his face with your fists?

7 A That's what it says on the paper and I have no  
8 independent recollection of the incident, so I can only  
9 go by what's written on this paper.

10 Q Okay. The next -- line 26 says, "Did you at  
11 any time have a flashlight in your hand?" And your  
12 answer is, "No." Was that true?

13 A I have no independent recollection of this  
14 incident. So all I could do is go by what's written on  
15 this paper.

16 Q Looking at line 9 now on that page, it says,  
17 "Once in the station, did you apologize to  
18 Mr. Andros for hitting him?" "Answer: No." Is that  
19 true or not true or you don't remember?

20 A I have no independent recollection of this  
21 incident. This was an incident that lasted probably  
22 30 seconds as -- as most fights do, 30 years ago. So  
23 all I could do is go by what is on this paper.

24 Q Okay. And do you ultimately stand by what you  
25 have written on this piece of paper about whether or not

1 you apologized to -- for hitting Mr. Andros?

2 A Well, you asked me if I stand by it. I'm --  
3 I'm reading it just as you are. I have no independent  
4 recollection of what happened. All I can do is read  
5 what's on this paper. Again, it's a 30-second fight  
6 that happened 30 years ago, so I have no independent  
7 recollection. All I know is what it says on this paper.

8 Q Did you give -- when you were interviewed  
9 during the course of this investigation, is it possible  
10 that you gave some information during that investigation  
11 that was false?

12 A No, it's not possible. But again, this was a  
13 30-second fight that happened 30 years ago. So all I  
14 can do is go by what's on this paper.

15 Q Okay. When you gave this statement to the  
16 investigator, your testimony is that the testimony you  
17 gave was entirely truthful; is that correct?

18 MR. BRUEGGEN: Object to the form.

19 A The statement that I gave to the investigator  
20 at the time was the facts as I knew them at the time,  
21 which was 30 years ago. To sit here today, 30 years  
22 later, and recount a 30-second incident with an  
23 individual, it's impossible for me to say, other than  
24 what's on this paper.

25 Q Okay. If you look at line 19, it says, "and

1 you deny" -- strike that. Line 19 says, "Question: And  
2 you do deny striking him with your fists after you  
3 pulled him out of his car; is that correct? Answer:  
4 Yes. I deny striking him with my fist at any time." Was  
5 that statement truthful?

6 A Again, 30 years ago, this was a 30-second  
7 fight. I don't recall the incident at all. All I can  
8 do is go by what is written on this paper.

9 Q Okay. Looking at the next page, starting at  
10 line 2, It says, "Question: How did Mr. Andros resist  
11 being arrested. Answer: By punching and kicking at me  
12 after he was told that he was under arrest." Do you see  
13 that, sir?

14 A Yes, I do.

15 Q Is that statement truthful?

16 A Again, this incident occurred 30 years ago. It  
17 probably was 30 seconds in duration. That may be even  
18 long. I don't have an independent recollection of it.  
19 All I know is from what I'm reading on this paper. And  
20 this is the first time I've read this in 30 years, so I  
21 have no independent recollection of this.

22 Q Let's take a look at -- this is page 110,  
23 which is RFC 1551. This is a statement from Lieutenant  
24 James Morgan regarding subject injury to Police Officer

25 A. Riccio. And it says, "The reporting

1 lieutenant does not remember conferring with Police  
2 Officer Riccio regarding an injury while making the  
3 arrest of Gus Andros. Reporting lieutenant has 21 years  
4 of experience as a supervisor. 'If an officer is  
5 injured, then I would have told him to have his  
6 supervisor prepare an IOD report before'" entering --  
7 "'ending his tour of duty.'" You see that, sir? If you  
8 said anything to him about suffering any injuries, he  
9 would've told you to prepare an IOD report, correct?

10 A That's what he's saying, yes.

11 Q Okay. And did you, in fact, tell the  
12 lieutenant that you had suffered any injury?

13 A I don't recall. Again, this was 30 years ago.  
14 I have no clue who James Morgan is actually.

15 Q Okay. And if the lieutenant ultimately  
16 provided a statement indicating that you were wrong when  
17 you said that you had in -- you had suffered an injury  
18 and told him that, do you dispute the statement of the  
19 lieutenant?

20 MR. BRUEGGEN: Object to form.

21 A Yeah. I don't understand the question.

22 Q During the course of this investigation, it is  
23 documented in this -- that you indicated that you did,  
24 in fact, tell the lieutenant that you had been injured.  
25 Is the lieutenant providing false information when he

1 indicates that if you had provided that information to  
2 him, he would've told you to write an IOD report?

3 MR. BRUEGGEN: Object to form. Argumentative.

4 A Yeah. I don't even know that I told him that  
5 I suffered an injury. I don't even -- I don't even  
6 recall that. Unless that's in here somewhere, I don't  
7 recall ever -- ever saying that.

8 Q Okay.

9 A But again, it was a 30-second incident that  
10 occurred 30 years ago, so I don't recall. I have no  
11 independent recollection of this incident whatsoever.

12 Q Do you agree that, when you first received the  
13 three-day suspension, the investigator had concluded  
14 that you had, in fact, struck and beaten Mr. Andros?

15 A No, I don't. I don't recall that, no.

16 Q Do you agree that the investigator, in  
17 concluding that you should be suspended for three days,  
18 ultimately rejected your statement that you had not, in  
19 any way, attacked this individual, Mr. Andros?

20 MR. BRUEGGEN: Object to foundation.

21 A No, I don't. I don't recall that. I don't  
22 know that I ever read the investigator's finding. And  
23 if I did it, it would've been 30 years ago, and I have  
24 no independent recollection of it whatsoever.

25 Q You ultimately appealed the finding of the CR

1 investigator and -- is that correct?

2 A I don't -- I don't recall if I appealed it or  
3 not.

4 MR. BRUEGGEN: Do you have a page number,  
5 Anand, that you could refer him to?

6 MR. SWAMINATHAN: Yeah. Let's see here.

7 MR. BRUEGGEN: The RFC --

8 BY MR. SWAMINATHAN:

9 Q RFC 1564, the last three pages of the report  
10 -- or of the document.

11 A Okay.

12 Q It says, "The investigator terminated" --  
13 okay, here we go. If you look at this document, it  
14 says, acute -- if you look at the top of the page, it  
15 says, "This is an office of professional standards  
16 recommendation that Police Officer Anthony Riccio be  
17 suspended for a period of three days for violating  
18 department rule." You see that?

19 A Yes.

20 Q And then it says, "Rule 8, disrespect to or  
21 maltreatment of any person while on or off duty." Do  
22 you see that?

23 A Yes.

24 Q And then it indicates, in count one, in that  
25 on 4 August 1988 at approximately 2330 hours, while in



1 an Amoco service station, located at 5953 North Carol --  
2 California, the accused leaned into Mr. Gus Andros's car  
3 window and struck him across the face with a flashlight.  
4 Do you see that?

5 A Yes.

6 Q So that was the conclusion of the CR  
7 investigator, correct?

8 A That is count one. So that's the first  
9 allegation. Yes.

10 Q And that is the ultimate finding of the CR  
11 investigator before any subsequent hearing, correct?

12 A I did not read this, so I do not know.

13 Q Okay. Now, you agree with me that that  
14 finding in count one is contrary to what you said in  
15 your statement to the investigator, that you did not  
16 strike this individual with your flashlight, correct?

17 A That's correct.

18 Q Okay. So ultimately, the CR investigator  
19 rejected your statement that you did not strike this  
20 person with a flashlight, correct?

21 A Correct.

22 Q And then count two says, in that on 4 August  
23 1988 at approximately 2330 hours, while in an Amoco  
24 service station at 5953 North California, accused pulled  
25 Mr. Gus Andros out of his car and struck him with his

1 fists about his body and face. That's the second  
2 conclusion of the CR investigator, correct?

3 A That's correct.

4 Q And that's -- and essentially that is a  
5 rejection of your statement to the CR investigator that,  
6 in fact, you did not do that, correct?

7 A That's correct.

8 Q Okay. So the CR investigator didn't believe  
9 you when you gave that statement, correct?

10 A That's correct.

11 Q Okay. And then ultimately it says, Officer  
12 Riccio rejected the recommendation, which was a  
13 three-day suspension, and requested a hearing before the  
14 complaint review panel. Do you see that?

15 A Yes, I do.

16 Q Okay. And then ultimately a hearing was held  
17 in front of the -- in front of the review panel,  
18 correct?

19 A I don't recall that.

20 Q You don't remember participating in that  
21 interview?

22 A No.

23 Q Okay. Let me just go down here. I'm almost  
24 at the end. If you look at the last -- let's see here.  
25 1566. Second to last page.

1 A Okay.

2 Q It says, "On 20 of April 1989, the complaint  
3 review panel convened to review complaint register  
4 number 162909. The accused appeared before the panel to  
5 contest both the sustained finding and the recommended  
6 penalty. The accused was represented by Mr. Walter  
7 Siemieniak of the Fraternal Order of Police." And then  
8 it goes through and identifies your statement to this  
9 review panel. Do you recall at all your testimony  
10 before the review panel?

11 A No. I don't even recall being in front of the  
12 review panel.

13 Q Okay. Did -- but looking at this report, it  
14 appears you testified in front of that panel, correct?

15 A Yes. Correct.

16 Q Were any other -- did any other witnesses  
17 testify or give statements before the panel?

18 A I don't recall being in front of the panel. I  
19 don't recall this incident at all.

20 Q Do you know if the victim, Gus Andros, was  
21 given an opportunity to appear before the panel?

22 A I thought I just saw in here that he was given  
23 that opportunity.

24 Q Where do you see that?

25 A No, I don't. I don't know.

1 Q Okay. You don't see anything here that  
2 indicates that Mr. Andros gave a statement to the panel,  
3 correct?

4 A Correct.

5 Q And you don't see anything in here indicating  
6 that the panel gave him an opportunity to provide a  
7 statement, correct?

8 A I don't, but I know that that is -- the policy  
9 is that he would have the ability to come in or the  
10 option of coming in and providing a statement.

11 Q Okay. Now that should -- that is -- you're  
12 saying that's what the policy was, that he should have  
13 been given such an opportunity?

14 A He would've been. Yes.

15 Q Pursuant to policy, correct?

16 A Correct.

17 Q And you don't -- you can't say one way or the  
18 other whether that occurred in this case, correct?

19 A No. I have no independent recollection of  
20 this case.

21 Q Okay. Last thing. You told this complaint  
22 review panel when you were before them, based on this  
23 report, that, in fact, you had not struck Mr. Andros  
24 with your flashlight or beat him about the body once he  
25 was out of the car, correct?

1           A       I would have to read it, but I believe that  
2 would be consistent with my statement to OPS.

3           Q       **Okay. And as a result of that review process,**  
4 **ultimately the panel decided to find the complaint not**  
5 **sustained, correct?**

6           MR. BRUEGGEN: Object to form. Misstates the  
7 document.

8           A       So looking at 1567, it says --

9           Q       **Okay. Let's look at, yeah, 1567. Yes.**

10          A       Yeah. It says, "The panel unanimously agreed  
11 that the case should be not sustained. The panel cited  
12 the fact that police officers are allowed to use the  
13 force necessary to affect an arrest. They concluded  
14 that Officer Riccio was justified in using the approved  
15 defense technique called a head stun. In addition --  
16 in addition, the panel placed great weight on the  
17 incoming lockup report, which indicated no injuries, as  
18 well as photos taken of Andros immediately after the  
19 incident." So this would -- this would say that  
20 physical evidence was not consistent with the statement  
21 of Mr. Andros, and being struck in the face with a  
22 flashlight, which amounts to pretty much a metal pipe,  
23 and how he would, you know, an hour later be admitted  
24 into the lockup with no injuries and photos showing no  
25 injuries, I think, is kind of an indictment of the story

1 that he told, more so than the account that I told.

2 Q Okay. And so ultimately, they decided to not  
3 sustain the allegations, correct?

4 A That's correct.

5 Q And your point is that, if, in fact, he had --  
6 if you had actually done the things he accused you of,  
7 he would've probably suffered a broken bone or  
8 something, correct?

9 A Well, I think that if he had been struck with  
10 a metal pipe, what amounts to a metal pipe across the  
11 face, that he would have had a complaint of injury,  
12 number one. And a lockup report, which is lockup  
13 keepers in a different district that I don't know,  
14 indicated that he had no injuries. And the photograph  
15 that's taken immediately after arrest also showed no  
16 injuries on his face.

17 Q The lockup keeper worked for the Chicago  
18 police department, correct?

19 A Yes.

20 Q Okay. Last page. Let's go to page 91, which  
21 is RFC 1532.

22 A Okay.

23 Q This document is from a Dr. Norman J. Markus,  
24 plastic reconstructive and cosmetic surgery, dated  
25 August 19, 1988, it appears. The document states that,

1 "This 22-year-old male was seen in my office on August  
2 11, 1988 for evaluation of post-traumatic facial  
3 injuries." I won't read the whole thing. But it says  
4 -- it refers to the incident occurring at a gas station  
5 a week earlier and indicates that he was struck on the  
6 left side of the nasal bridge with a flashlight. And  
7 this is obviously information being reported to the  
8 doctor by Mr. Andros, correct?

9 A Yes. Correct.

10 Q Okay. And it states here that the patient's  
11 glasses were broken. Do you see that?

12 A No.

13 Q If you look in the middle of that first  
14 paragraph. "The patient's glasses were broken." Do you  
15 see that?

16 A Okay.

17 Q Do you recall that, in fact, his glasses were  
18 broken during the course of this incident?

19 A I don't even recall him wearing glasses.

20 Q It indicates the patient was brought to the  
21 police station and noted bleeding from the right side of  
22 the nose and difficulty breathing on both sides. Do you  
23 see that?

24 A Yes, I do.

25 Q Okay. So do you recall that, in fact, he had

1 reported that he had been -- he was suffering bleeding  
2 on his face and difficulty breathing?

3 MS. ROSEN: Objection. Form. Foundation.

4 A No. Again, and I'm going to repeat this as  
5 many times as necessary. This is a 30-second issue that  
6 happened 30 years ago. This was a fight. I don't deny  
7 hitting him. I definitely did not hit him with a metal  
8 flashlight. The metal flashlight with the batteries in  
9 it is probably similar to hitting someone with a pipe. I  
10 definitely didn't do that. And any injuries that he  
11 sustained as a result of this were deemed to be an  
12 adequate use of force, an appropriate use of force by a  
13 panel. The physical evidence at the time of his arrest,  
14 including a photograph taken at the time of his arrest,  
15 do not show the injuries that he's claiming. And  
16 whatever's contained in this report is information that  
17 he provided to his doctor about glasses being broken.  
18 It's the first I've heard about anything about glasses  
19 being broken. So I'm going to -- I'm going to say,  
20 yeah, no. I disagree with it strongly.

21 Q Okay. And you used -- the only technique you  
22 say you used against him was a head stun, correct?

23 A That's correct.

24 Q Okay. And a head stun is not a strike,  
25 correct?



1 A A head stun is ex -- is absolutely a strike.

2 Q Where -- how -- tell me. Explain what a head  
3 stun is.

4 A A head stun is a strike to the head using the  
5 bottom of -- of the palm of your hand.

6 Q And where -- where do you strike the  
7 individual?

8 A Well, the goal is to strike him in the head,  
9 but a fight is a fight. I mean, I'm getting punched,  
10 he's getting punched. It's very dynamic. And if, in  
11 fact, you're trying to strike somebody in the head and  
12 you hit him in the nose, that's -- you know, that's an  
13 unfortunate byproduct of a fight, I would have to say.

14 Q Okay. And so where it says here, "Subsequent  
15 evaluation at Edgewater Hospital revealed a nasal  
16 fracture." Do you see that?

17 A Yes.

18 Q Okay. So you agree with me, in fact, this  
19 patient -- this individual did suffer significant  
20 injuries as a result of what happened in that -- in that  
21 gas station parking lot, correct?

22 MS. ROSEN: Objection. Form, foundation. This  
23 is a week later.

24 Q Correct.

25 A Yeah. I don't agree with you, no.

1           Q     Okay. So your -- is it your testimony that,  
2 in fact, you did not cause a nasal fracture to Mr.  
3 Andros?

4           MS. ROSEN: Objection. Form. Foundation.

5           A     I don't know if I caused a nasal fracture to  
6 Mr. Andros. I know that Mr. Andros and I were involved  
7 in a fight. I know that after, a panel unanimously said  
8 that the case should be not sustained, that they also  
9 used -- ruled that the use of force was necessary to  
10 affect the arrest, and that I was justified in using the  
11 technique that I used. So that's -- you know, that's  
12 what I -- physical evidence -- and Counsel, if nothing  
13 else, you've sat here and talked to me for seven hours  
14 about physical evidence. So let's not pretend physical  
15 evidence isn't important all of a sudden, because it  
16 says here physical evidence -- you know, the lockup  
17 report indicates no injuries and photos taken  
18 immediately after the incident. So you can't talk to me  
19 for seven hours about the importance of physical  
20 evidence, and then turn around and tell me that physical  
21 evidence is all of a sudden not so important because  
22 that's the convenient -- that's the convenient answer.  
23 And the other thing I'll say. The other thing I'll say  
24 is you can't sit here for seven hours and indict  
25 investigators of the Chicago police department, and then

1 turn around and tell me the investigation conducted by  
2 somebody in OPS, who is not a trained investigator by  
3 any means comparable to any Chicago police investigator,  
4 is all of a sudden some sort of a great investigator,  
5 and this was a wonderful investigation. Clearly a panel  
6 that reviewed this investigation disagreed, as do I.  
7 Unfortunately, not everybody -- unfortunately not  
8 everybody submits to an arrest the way they're supposed  
9 to. Mr. Andros is one of those individuals. And in a  
10 30-second fight 30 years ago, Mr. Andros elected to  
11 resist arrest and to fight with me. And while I don't  
12 have an independent recollection of it, I can certainly  
13 go by the statements that I made at the time and by the  
14 review of this by that panel that say that this was an  
15 appropriate use of force in affecting this arrest.

16 **Q Okay. So as you sit here today, your**  
17 **testimony is, in fact, you did not strike Mr. Andros**  
18 **with a flashlight, correct?**

19 **A Yes. Correct.**

20 MS. ROSEN: Objection. Asked and answered.

21 **Q And your testimony today is you did not strike**  
22 **Mr. Andros about the body and face, correct?**

23 MR. BRUEGGEN: Objection. Misstates his  
24 testimony.

25 **A That is -- that is not what I said, no.**

1 Q Okay. Sorry. Let me correct that. Your  
2 testimony today is you did not strike Mr. Andros about  
3 the body and face after you pulled him out of the car,  
4 correct?

5 A Counsel, I'm going to conclude the questioning  
6 on this topic with saying I am standing by the statement  
7 that I have in this. I have no independent  
8 recollection. Any further questions that you want to  
9 ask me on this, I'm going to not answer you because I --  
10 you're trying to twist my words now and you're trying to  
11 put things into my mouth. You're trying to tell me what  
12 a wonderful investigation was conducted by OPS on this.  
13 And I'm telling you that the OPS investigators lack even  
14 the most basic investigative skills when compared to a  
15 Chicago police detective. So let's not spend seven  
16 hours beating up the detective --

17 Q No, this is important. This is very good. I'm  
18 glad you raised this. I have a couple questions about  
19 that. One --

20 A (Inaudible).

21 Q I want to be clear. I want to be clear.

22 MR. BRUEGGEN: Hold on. We're going to take a  
23 quick break so that Mr. Riccio can collect himself.

24 THE WITNESS: I'm good. I'm good.

25 MS. ROSEN: No. We're take -- let's take a

1 break.

2 COURT REPORTER: All right. We're off the  
3 record. The time is 5:58.

4 (OFF THE RECORD)

5 COURT REPORTER: We are back on the record for  
6 the deposition of Anthony Riccio being conducted by  
7 videoconference. My name is Sydney Little. Today  
8 is May 18, 2022, and the time is 6:04 p.m.

9 BY MR. SWAMINATHAN:

10 Q Okay. Mr. Riccio, did you -- strike that. Was  
11 it your belief that the OPS investigator who conducted  
12 this investigation did a poor job?

13 A It's my belief that they came to the wrong  
14 conclusion. I don't know that they did a poor job or  
15 not, but they came to the wrong conclusion.

16 Q And do you believe there was a problem in this  
17 time period, in the late 1980s, of OPS investigators  
18 reaching sustained findings in cases where they should  
19 not have?

20 MR. BRUEGGEN: Object to form.

21 A I really don't know. I can't speak to that.

22 Q Okay. And on the second paragraph of this  
23 document I've had -- we have in front of you, which is  
24 again, you have it as RFC Iglesias 1532?

25 A Yes.

1 Q The beginning of the second paragraph says,  
2 "On examination, the nasal pyramid is displaced to the  
3 right side in a C-shaped deformity. On intranasal  
4 examination, the septum is displaced into the right  
5 nasal cavity with obstruction. Review of the x-rays  
6 revealed a nasal fracture." Sir, did you cause those  
7 injuries to Mr. Andros?

8 MR. BRUEGGEN: Object to foundation.

9 A I don't know if I caused those injuries or  
10 not. I gave him a head stun, and I don't know if I  
11 caused those injuries or not. You have to remember the  
12 reason we went to this location was because of a fight  
13 that he was involved in, and that this appearance at the  
14 doctor's office was a week after his arrest. So I don't  
15 know if I did or not.

16 Q What evidence do you have that he was  
17 personally involved in a fight at that location?

18 A A 911 call of people fighting.

19 Q And there were a number of other people at  
20 that locate -- at that gas station, correct?

21 A Yes.

22 Q And so, how do you know he was one of the  
23 participants in that fight?

24 A I know that the group of individuals he was  
25 with were part of that fight. I don't know specifically

1 that he was or was not one of the individuals fighting.

2 Q Okay. So to be clear, you have no evidence  
3 that he was personally involved in a fight, correct?

4 A I have no evidence that he was, and I have no  
5 evidence that he was not.

6 Q Okay. All right. Thank you.

7 A It was a 911 call of a fight going on in the  
8 gas station involving the group that he was with.

9 Q And what group was he with?

10 A I don't know. A group of guys.

11 Q How do you know which group he was with?

12 MR. BRUEGGEN: Object to foundation.

13 A I don't.

14 Q How do you know he was with the group of  
15 people that were involved in a fight?

16 A Because he was with -- because we were told  
17 that there was a fight in progress at that gas station  
18 with a group of individuals. And when we showed up,  
19 there was a group of individuals fighting.

20 Q Did you observe -- you didn't observe Mr.  
21 Andros fighting, correct?

22 A I don't recall. This incident happened 30  
23 years ago, and I have no independent recollection of it.

24 Q Okay. So as you sit here today, you are not  
25 claiming that you ever observed Mr. Andros participating

1 in a fight, correct?

2 A That's correct. I'm not claiming that I -- he  
3 was or was not. I don't recall.

4 MR. SWAMINATHAN: Okay. All right. I have  
5 nothing else.

6 MR. BRUEGGEN: Can you take down -- stop  
7 sharing?

8 MR. SWAMINATHAN: Oh, yeah.

9 MR. BRUEGGEN: Megan, Eileen, you guys have  
10 questions?

11 CROSS EXAMINATION

12 BY MS. ROSEN:

13 Q I just have one follow-up question to ask you,  
14 Mr. Riccio, about the late list that you talked about a  
15 million hours ago.

16 A Yes.

17 Q I think you said something like, if there  
18 wasn't a disposition within 30 days, you made it to the  
19 late list, or the case made it to the late list. Is  
20 that what you said?

21 A If I did, I misspoke. There had to be some  
22 sort of action on it within 30 days.

23 Q Wait. So when you say -- sorry, go ahead.

24 A No, not a disposition. Not a -- you know, a  
25 suspended, or closed, or something like that, but some



1 sort of action. You had to have contacted the victim or  
2 sent a letter to the victim or something of that nature.

3 Q So some kind of investigative activity had to  
4 have occurred?

5 A Correct.

6 MS. ROSEN: Okay. That's all I have.

7 MR. SWAMINATHAN: Nothing else. No response  
8 from me.

9 MS. MCGRATH: I don't have anything. Thank  
10 you.

11 MR. BRUEGGEN: I don't have anything. We'll  
12 reserve signature.

13 MR. SWAMINATHAN: Okay. Thanks everybody.  
14 Thank you for your time, Mr. Riccio.

15 COURT REPORTER: Actually, if you could all  
16 hang on for just a second. So did you want to take  
17 care of that, or would you like me to send him the  
18 copy?

19 MR. BRUEGGEN: For signature?

20 COURT REPORTER: Yeah. For signature.

21 MR. BRUEGGEN: I'll take care of it, yes. I'll  
22 take care of it.

23 COURT REPORTER: Okay. So I'll send that to  
24 you. All right. Great. Anand, how would you like  
25 your copy?

1 MR. SWAMINATHAN: I'm not ordering currently.

2 COURT REPORTER: Not ordering. No video? Oh,  
3 well, you get the video since you -- okay. Dave,  
4 how would you like your copy?

5 MR. BRUEGGEN: Can I just get an electronic  
6 version?

7 COURT REPORTER: Sure. Would you like a copy  
8 of the video?

9 MR. BRUEGGEN: No, not at this time.

10 COURT REPORTER: All right.

11 MR. BRUEGGEN: If you have the exhibits, you  
12 could have the exhibits attached to the PDF?

13 COURT REPORTER: Yeah, of course. No problem.  
14 Megan, how would you like your copy?

15 MS. MCGRATH: I don't need one right now. Thank  
16 you.

17 COURT REPORTER: Okay. No video either?

18 MS. MCGRATH: No, thanks.

19 COURT REPORTER: All right. Eileen, how would  
20 you like your copy?

21 MS. ROSEN: Need a copy of our video.

22 COURT REPORTER: All right, sounds good. I'm  
23 going to get us off the record. I have one  
24 spelling.

25 (DEPOSITION CONCLUDED AT 6:09 P.M.)

## 1 CERTIFICATE OF REPORTER

## 2 STATE OF ILLINOIS

3  
4 I do hereby certify that the witness in the foregoing  
5 transcript was taken on the date, and at the time and  
6 place set out on the Stipulation page hereof, by me  
7 after first being duly sworn to testify the truth, the  
8 whole truth, and nothing but the truth; and that the  
9 said matter was recorded by me and then reduced to  
10 typewritten form under my direction, and constitutes a  
11 true record of the transcript as taken, all to the best  
12 of my skill and ability. I certify that I am not a  
13 relative or employee of either counsel and that I am in  
14 no way interested financially, directly or indirectly,  
15 in this action.

16  
17  
18   
19  
20  
21

22 SYDNEY LITTLE

23 COURT REPORTER/NOTARY

24 MY COMMISSION EXPIRES: 03/18/2026

25 SUBMITTED ON: 05/27/2022

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19 CV 06508

## EXHIBIT 24

Identify and describe all property or possible evidence recovered at the end of the Narrative in column form. Show exactly where found, when found, who found it and its description (include Property Inventory numbers). If property taken was scribed for Operation Identification, indicate I.D. number at end of Narrative. Offender's approximate description, if possible, should include name if known, nickname, sex, race code, age, height, weight, color eyes & hair, complexion, scars, marks, etc. If suspect is arrested, give name, sex, race code, age, C.B. or I.R. number, if known, and state "In Custody."

**SUPPLEMENTARY REPORT****CHICAGO POLICE - FOR USE BY B.I.S. PERSONNEL ONLY**

All descriptions and statements in this entire report are approximations or summarizations unless indicated otherwise.

4. DATE OF ORIG. OCCURRENCE—TIME  
\* DAY MO. YR.

07 Jun 93 1556

1. OFFENSE/CLASSIFICATION LAST PREVIOUS REPORT

**HOMICIDE/Murder 1st Degree**I-UCR OFF. CODE  
\* **0110**2. ADDRESS OF ORIG. INCIDENT/OFFENSE  
\* **2148 N. Sawyer**1. VERIFIED ☒ 2. CORRECTED ☐3. BEAT OF OCCUR.  
\* **1414**

5. VICTIM'S NAME AS SHOWN ON CASE REPORT

**ROMAN, Monica**CORRECT  
☒ YES ☐ NO

IF NO, CORRECT ALL VICTIM INFORMATION IN BOXES 20 THROUGH 27.

6. FIRE RELATED  
\* ☐ YES ☒ NO7. BEAT ASSIGNED  
\* **5535**

8. TYPE OF LOCATION OR PREMISE WHERE INCIDENT/OFFENSE OCCURRED

**street**LOCATION CODE  
\* **304**9. NO. OF VICTIMS  
\* **1**10. NO. OF OFFENDERS  
\* **1**CIRCUIT  
STANCES  
\* ☒ VERIFIED  
☐ UPDATE TO11. ☒ VERIFIED  
☐ UPDATE TO12. OBJECT/WEAPON  
CODE NOS.13. FIREARM FEATURES  
CODE NOS.14. POINT/ENTRY  
CODE NOS.15. POINT/EXIT  
CODE NOS.16. BURGLAR ALARM  
CODE NOS.17. SAFE BURGLARY METHOD  
CODE NOS.18. IF RESIDENCE WHERE WERE OCCUP.  
CODE NOS.PROPERTY  
\* ☐ VERIFIED  
☐ UPDATE TO19. ☐ VERIFIED  
☐ UPDATE TODESCRIBE PROPERTY IN NARRATIVE.  
T = TAKEN; R = RECOVERED  
1 MONEY  
☐ T \$  
☐ R  
9 HOUSEHOLD GOODS  
☐ T \$  
☐ R2 JEWELRY  
☐ T \$  
☐ R  
6 CONSUM. GOODS  
☐ T \$  
☐ R3 FURS  
☐ T \$  
☐ R  
(-) FIREARMS  
☐ T \$  
☐ R4 CLOTHING  
☐ T \$  
☐ R  
& NARC./DANGEROUS DRUGS  
☐ T \$  
☐ R7 OFFICE EQUIPMENT  
☐ T \$  
☐ R  
8 OTHER  
☐ T \$  
☐ R8 TV, RADIO, STEREO  
☐ T \$  
☐ R  
6 NONE  
☐ T  
☐ RVICTIMS  
UPDATE ONLY20. NAME (LAST-FIRST-M.I.)  
1.  
2.  
3.

21. I-UCR OFFENSE CODE

22. HOME ADDRESS (NO., DIR., STREET, APT. NO.)  
1.  
2.  
3.

23. SEX-RACE-AGE CODE

24. HOME PHONE

25. BUSINESS PHONE

26. INJURED YES NO  
27. VICTIM REL. CODEOFFENDERS  
UPDATE ONLY28. OFFENDER'S NAME (OR DESCRIBE CLOTHING, ETC.)  
1.  
2.29. HOME ADDRESS  
1.  
2.

30. SEX-RACE-AGE CODE

HEIGHT

WEIGHT

EYES  
HAIR  
COMPL.

31. C.B. NO.

I.R. NO., Y.D. NO., OR J.D.A. NO.

OFFENDER REL. CODE

C.B. NO.

I.R. NO., Y.D. NO., OR J.D.A. NO.

OFFENDER REL. CODE

32. NO. ARRESTED UNIT NO.

33. OFF'S VEHICLE YEAR MAKE BODY STYLE COLOR V.I.N.  
☐ USED ☐ STOLEN

STATE LICENSE NO.

STATE

34. SERIAL NOS. OR IDENTIFICATION NOS. ☒ DNA ☐ 2 VERIFIED ☐ 3 CORRECTED

50. OFFENSE/CLASS. THIS DATE (IF SAME ENTER DNA) REV. CODE

51. METHOD CODE **DNA** 52. METHOD ASSIGNED ☒ FIELD ☐ 3 SUMMARY 53. STATUS **652XX** ☐ 1 SUSPENDED ☐ 2 UNFOUNDEDSTATUS CONT'D.  
☐ 3 CLRD. CLOSED ☐ 4 CLRD. OPEN ☐ 5 EXC. CLRD. CLOSED ☐ 6 EXC. CLRD. OPEN ☐ 7 CLRD. NON-CRIM.54. IF CASE CLEARED, HOW CLEARED  
☐ 1 ARREST & PROSEC. ☐ 2 DIRECTED TO JUV. CRT. ☐ 3 COMPL. REFUS. TO PROSECUTE ☐ 4 COMMUNITY ADJUSTMENT ☐ 5 OTHER EXCEPT.☐ ADULT ☐ JUV.55. ☐ FOR SUMMARY CASES ONLY - THE ORIGINAL CASE REPORT IS SUBSTANTIALLY CORRECT, AND CONTACT WITH THE VICTIM HAS DISCLOSED NO ADDITIONAL PERTINENT INFORMATION.

60. NARRATIVE

**This is an Area Five Violent Crimes Unit Report.****DATA ENTERED  
IN AREA 5**

Continued on page two.

90. EXTRA COPIES REQUIRED (NO. &amp; RECIPIENT)

**NORMAL**91. DATE THIS REPORT SUBMITTED -  
\* DAY MO. YR. **23 Jun 93**TIME **2100**92. SUPERVISOR APPROVING (PRINT NAME) **BIEBEL**STAR NO. **1545**

93. REPORTING OFFICER (PRINT NAME)

**DET. A. RICCIO 20870**

94. REPORTING OFFICER (PRINT NAME)

**DET. E. Halvorsen #20692**

SIGNATURE

**Biebel**

SIGNATURE

**DET. R. Guevera #20816**

SIGNATURE

**DET. R. Guevera #20816**

95. DATE APPROVED (DAY-MO.-YR.)

**25 JUN 1993**

TIME

**0935**95. R.D. NO.  
**X 250303**

CPD-11.411-B (REV. 8/85)

\* MUST BE COMPLETED IN ALL CASES

RFC-Iglesias 000127



20 JUN 2024 10:00

**THIS IS A LINE-UP SUPPLEMENTARY REPORT:**

**LINE-UP CONDUCTED UNDER RD#** X-250 303

**LOCATION, DATE AND TIME:** Area Five Viewing Room, 23 Jun 93, at 2000 hours.

**PERSONS CONDUCTING LINE-UP:** Det. A. Riccio #20870 A5/VC  
Det. E. Halvorsen #20692 A5/VC  
Det. A. Guevera #20861 A5/VC

**PERSONS PARTICIPATING IN LINE-UP:** 1. VICENS, Jose M/WH/19  
[REDACTED]

2. SANTOS, Edgardo M/WH/25  
[REDACTED]

3. M [REDACTED] C [REDACTED] M/WH/17  
[REDACTED]

4. V [REDACTED] K [REDACTED] M/WH/17  
[REDACTED]

5. IGLESIAS, Geraldo M/WH/24  
[REDACTED]

**PERSONS VIEWING LINE-UP:** 1. OCHOA, Rosendo

**PERSONS IDENTIFIED IN LINE-UP:** #5 IGLESIAS, Geraldo was positively identified by witness OCHOA as the person whom he observed shoot the victim, Monica ROMAN.

**PHOTOGRAPHS TAKEN BY:** Det. E. Halvorsen #20692 A5/VC

**INVESTIGATION:** In furtherance of the investigation into the homicide of Monica ROMAN, R/d's conducted the above line-up. The suspect of the line-up, Geraldo IGLESIAS, was permitted to pick his position in the line-up. All participants were required to stand, face the viewing window, and make facing movements. OCHOA positively identified IGLESIAS as the subject he observed fire a gun at the vehicle in which the victim was a passenger.

Det. E. Halvorsen #20692, Area Five Violent Crimes.  
Det. R. Guevera #20861, Area Five Violent Crimes.  
Det. Anthony Riccio #20870, Area Five Violent Crimes.

DO 2, 8001 NAF 02

*Iglesias v. Guevara, et al.*,  
19 CV 06508

## EXHIBIT 25







*Iglesias v. Guevara, et al.*,  
19 CV 06508

## EXHIBIT 26

SCHOOL (TUR)  
10:00  
14:00  
RUBY DAY

*Iglesias v. Guevara, et al.*,  
19 CV 06508

## EXHIBIT 27







## DEFENDANT NUMBER

Name:	Last	First	Middle	Suffix
Address:	Street	City	State	Zip
Race:	DOB:	LID:	SID:	FBI:
Last	First	Country of Birth		

## CHARGES/ACTIONS DEFENDANT NUMBER

Continued ☐

Charge	Action	Reason

## STATEMENT DEFENDANT NUMBER

Continued ☐

Date:	Time:	Court Reporter:
Element Witnesses:	<input type="checkbox"/> ASA	<input type="checkbox"/> P. Officer
Element Summary:	<input type="checkbox"/> Other	

## TEST DEFENDANT NUMBER

Continued ☐

AR No.:	CB/DCN:
Date of Arrest:	Date:
Time:	Time:
Reason:	Means of ID:
ASA Present:	
Agency:	Area:
Star:	District:
Assignment:	
Star:	Assignment:
Star:	Assignment:

## TIM/WITNESS NUMBER

Continued ☐

WITNESS		Title (Circle One):	Mr.	Mrs.	Ms.	Miss	Dr.	Other:
Last	First	Middle						
CHMIELESKI	DAVID	A						
Street	City	State	Zip					
312	1ST							
Phone:	Work Phone:	Ext.						
Race:	DOB:	DL:	State	Number	Public Aid No.:	UNK.		
Property Loss: \$	Personal Injury:	Handicap:						
0	NONE	NONE						
SAW A RUN PAST HIM IMMEDIATELY	SCHURZ H.S.							
TER THE SHOOTING - COULD NOT PICK	87-90							
OUT OF A LINE-UP. W SAW A ONLY FOR AN INSTANT	WRIGHT COLLEGE							
	FOR G.E.D.							

## TIM/WITNESS NUMBER

Continued ☐

WITNESS		Title (Circle One):	Mr.	Mrs.	Ms.	Miss	Dr.	Other:
Last	First	Middle						
TORRES-MIRANDA	EFRAIN							
Street	City	State	Zip					
312	3 SOUTH							
Phone:	Work Phone:	Ext.						
Race:	DOB:	DL:	State	Number	Public Aid No.:	3062		
Property Loss: \$	Personal Injury:	Handicap:						
0	NONE	NONE						
SAW A GROUP OF I.G.'S (IMPERIAL GANGSTERS)								
FRONT OF THE BOYS CLUB BEFORE THE SHOOTING								
MATCHED DESCRIPTION OF 5 MINUTES SHOOTER								
	DID NOT PICK A OUT OF LINE-UP							

## EVENT/ASA

Event date	Unit	Next event	Location
LATE	FRU	Approval type: <input checked="" type="checkbox"/> Personal <input type="checkbox"/> Telephone	

## ENTRY

Date

Entered By

PCN

Defendant

MC Number

Charge

Defendant

Branch



Start Time: 20:10 Finish Time: 03:00

23 JUN 93 53 1 8 3 4

Date	Action No.	Number of Defendants	Number of Victims/Witnesses	Page	of	Pages
------	------------	----------------------	-----------------------------	------	----	-------

<b>CHARGES/ACTIONS</b>	<b>DEFENDANT NUMBER _____</b>	Continued <input type="checkbox"/>
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STATEMENT DEFENDANT NUMBER \_\_\_\_\_ Continued ☐

ARREST DEFENDANT NUMBER Continued ☐

**EVIDENCE/INVESTIGATION** Continued ☐

INCIDENT

Continued ☐

[illegible]



DEFENDANT NUMBER									
Name:		Last		First		Middle		Suffix	
Address:		Street		City		State		Zip	
Sex:	Race:	DOB:		LID:		SID:		FBI:	
AKA:		Last		First		Country of Birth			
CHARGES/ACTIONS DEFENDANT NUMBER									
Charge		Action				Reason			
STATEMENT DEFENDANT NUMBER									
Type:		Date:		Time:		Court Reporter:			
Statement Witnesses:		<input checked="" type="checkbox"/> ASA		<input type="checkbox"/> P. Officer		<input type="checkbox"/> Other			
Statement Summary:									
ARREST DEFENDANT NUMBER									
RD/AR No.:		CB/DCN:							
Place of Arrest:						Date:		Time:	
Arrest Reason:		Means of ID:				ASA Present <input type="checkbox"/>			
Arresting Agency:		Area:				District:			
Arresting Officer:		Star:				Assignment:			
Arresting Officer:		Star:				Assignment:			
Investigator:		Star:				Assignment:			
VICTIM/WITNESS NUMBER 5									
Type		Title (Circle One): Mr. Mrs. Ms. Miss Dr. Other:							
Name		Last		First		Middle		Suffix	
Address:		Street		City		State		Zip	
Home Phone: ( )		NONE		Work Phone: ( )		NONE		Ext.	
Sex:	Race:	DOB:		DL:		State		Public Aid No.: UNK.	
Property Loss: \$		No		Personal Injury:		No		Handicap: No	
Related to Defendant:		No		Handicap:		No			
Notes: SEATED IN THE MIDDLE BACK SEAT - PICKED OUT OF A LINE-UP. HEARD ONE SHOT HEARD A SAY "KING LOVE". HEARD 4 MORE SHOTS - TURNED & SAW A. SENN H.S. 2ND YEAR									
VICTIM/WITNESS NUMBER 6									
Type		Title (Circle One): Mr. Mrs. Ms. Miss Dr. Other:							
Name		Last		First		Middle		Suffix	
Address:		Street		City		State		Zip	
Home Phone: ( )		25 Nov 71		Work Phone: ( )		555		Ext. 0734	
Sex:	Race:	DOB:		DL:		State		Public Aid No.	
Property Loss: \$		No		Personal Injury:		No		Handicap: No	
Related to Defendant:		No		Handicap:		No			
Notes: SEATED BEHIND VICTIM IN THE CAR - SAID THAT WHEN HE HEARD SHOTS HE JUCKED & ONLY SAW SHOOTER FROM BEHIND WORKS @ FOOD LIFE REST. 835 N. MICHIGAN									
NEXT EVENT/ASA									
Next event date		Next event		Location					
ASA LATZ		Unit FRU		Approval type: <input checked="" type="checkbox"/> Personal <input type="checkbox"/> Telephone					
DATA ENTRY									
Date		Entered By		PCN					

MC Number

Defendant

Branch



Start Time: 20-10 Finish Time: 05:00

4/

Page of Pages

<b>CHARGES/ACTIONS</b>	<b>DEFENDANT NUMBER</b>
------------------------	-------------------------

STATEMENT DEFENDANT NUMBER Continued ☐

ARREST DEFENDANT NUMBER Continued

**EVIDENCE/INVESTIGATION** Continued ☐

INCIDENT Continued

Incident Summary:  
W\*3 was dropping his son off and saw the shooter from 10-15 feet away.



## DEFENDANT NUMBER

Name:	Last	First	Middle	Suffix
Address:	Street	City	State	Zip
Sex:	Race:	DOB:	LID:	SID:
AKA:	Last	First	Country of Birth	FBI:

## CHARGES/ACTIONS DEFENDANT NUMBER

Continued ☐

Charge	Action	Reason

## STATEMENT DEFENDANT NUMBER

Continued ☐

Type:	Date:	Time:	Court Reporter:
Statement Witnesses:	<input type="checkbox"/> ASA	<input type="checkbox"/> P. Officer	<input type="checkbox"/> Other
Statement Summary:			

## ARREST DEFENDANT NUMBER

Continued ☐

RD/AR No.:	CB/DCN:
Place of Arrest:	Date:
Arrest Reason:	Means of ID:
Arresting Agency:	Area:
Arresting Officer:	Star:
Arresting Officer:	Star:
Investigator:	Star:

## VICTIM/WITNESS NUMBER 3

Continued ☐

Type	WITNESS	Title (Circle One):	Mr.	Mrs.	Ms.	Miss	Dr.	Other:
Name	Last	First	Middle	Suffix				
Address:	Street	City	State	Zip				
Home Phone:	Work Phone:	Ext.						
Sex: M	Race: B	DL:	State	Number	Public Aid No.			
Property Loss: \$	Personal Injury:	Handicap:						
Related to Defendant:	NO	NONE						
Notes:								
THIS W3 WAS 10-15 FT AWAY FROM THE DRIVER FOR MAVIS BUS CO. SHOOTER - HE COULD NOT PICK A OUT OF A LINE-UP. SAID THAT SHOOTER WAS WEARING A HOOD.								

## VICTIM/WITNESS NUMBER 4

Continued ☐

Type	WITNESS	Title (Circle One):	Mr.	Mrs.	Ms.	Miss	Dr.	Other:
Name	Last	First	Middle	Suffix				
Address:	Street	City	State	Zip				
Home Phone: ( )	Work Phone: ( )	Ext.						
Sex: M	Race: H	DOB:	DL:	State	Number	Public Aid No.:		
Property Loss: \$	Personal Injury:	Handicap:						
Related to Defendant:	NO	NONE						
Notes:								
SEATED IN THE BACK SEAT LEFT SIDE - WINDOWS IN THE CAR WERE DOWN - CLAIMS THAT HE DID NOT SEE SHOOTER - CLAIMS SHOOTER YELLED "KING LOVE" - HEARD 5 SHOTS AND DUCKED DOWN								

## NEXT EVENT/ASA

Next event date	Next event	Location
ASA LATZ	Unit FRU	Approval type: <input checked="" type="checkbox"/> Personal <input type="checkbox"/> Telephone

## DATA ENTRY

Date

Entered By

PCN

MC Number

Defendant

Branch



SCREEN FELONY	<input checked="" type="checkbox"/>
ARREST WARRANT	<input type="checkbox"/>
SEARCH WARRANT	<input type="checkbox"/>
JUVENILE	<input type="checkbox"/>
POLICE SHOOTING	<input type="checkbox"/>

Start Time: 20:16 Finish Time: 03:00

23 JUN 93 53

1

8

1

4

Date Action No Number of Defendants Number of Victims/Witnesses Page of Pages

## DEFENDANT NUMBER

Name:	Last: IGLESIAS	First: GERALDO	Middle:	Suffix:
Address:	Street:	City:	State:	Zip:
Sex:	M	Race:	H	DOB:
AKA:	Last:	First:	"SNAKE"	Country of Birth:

## CHARGES/ACTIONS DEFENDANT NUMBER

Continued ☐

Charge	Action	Reason
MURDER	APPROVED	

## STATEMENT DEFENDANT NUMBER

Continued ☐

Type:	ORAL	Date:	23 JUN 93	Time:	20:55	Court Reporter:
Statement Witnesses:	DET. HALVORSEN, ASA LATZ					
Statement Summary:	AOR, Δ SAID THAT HE DOES NOT KNOW WHERE HE WAS AT THE TIME OF THE SHOOTING. Δ ADMITTED THAT HE IS A GANG MEMBER "I.G." Δ ADMITTED THAT HE HANDS OUT NEAR THE SCENE OF THE SHOOTING BUT SAYS HE KNOWS NOTHING ABOUT THE SHOOTING.					

## ARREST DEFENDANT NUMBER

Continued ☐

RD/AR No:	X-701177	CB/DCN:			
Place of Arrest:	2135 N. SPAULDING	Date:	23 JUN 93	Time:	18:00
Arrest Reason:	INVESTIGATION/INF. TIP	Means of ID:	LINE-UP	ASA Present:	<input type="checkbox"/>
Arresting Agency:	CPD	Area:	5	District:	14
Arresting Officer:	DET. RICCIO	Star:	20870	Assignment:	A/S VC
Arresting Officer:	DET. HALVORSEN	Star:	20692	Assignment:	A/S VC
Investigator:	DET. GUEVARA	Star:	20861	Assignment:	A/S VC

## EVIDENCE/INVESTIGATION

Continued ☐

Additional Investigations Requested:	<del>GET EYEWITNESS &amp; GET WITNESSES WHO WERE IN CAR W/ VICTIM.</del>	
Officer Receiving Request:	DET. HALVORSEN	
Physical Evidence	Property Number	How Recovered
ONE BULLET	1135801	FROM CAR ROOF
VIAL OF BLOOD	1093793	FROM Δ VICTIM
SEALED BULLET ENVELOPE	1093793	FROM VICTIM

## INCIDENT

Continued ☐

On or from Date:	7 JUN 93	At or between Time:	15:56	Weapon type:	2148 N. SAWYER
to Date:		to Time:		Location:	
Incident Summary:	at above DTL, Δ fired 4-5 shots at a 1982 oldsmobile driven by Jesus Gonzalez. V was a passenger in the vehicle. When Jesus Gonzalez noticed that V was shot, he drove to a gas station at 2338 N. Sacramento and called police. Δ was seen by W#2 and another W. Δ fled down an alley after pulling a black hood over his head.				



**DEFENDANT NUMBER**

Name:	Last	First	Middle	Suffix
Address:	Street	City	State	Zip
Sex:	Race:	DOB:	LID:	SID:
AKA:	Last	First	Country of Birth	FBI:

**CHARGES/ACTIONS DEFENDANT NUMBER**Continued ☐

Charge	Action	Reason

**STATEMENT DEFENDANT NUMBER**Continued ☐

Type:	Date:	Time:	Court Reporter:
Statement Witnesses:	<input type="checkbox"/> ASA	<input type="checkbox"/> P. Officer	<input type="checkbox"/> Other
Statement Summary:			

**ARREST DEFENDANT NUMBER**Continued ☐

RD/AR No.:	CB/DCN:
Place of Arrest:	Date:
Arrest Reason:	Means of ID:
Arresting Agency:	Area:
Arresting Officer:	Star:
Arresting Officer:	Star:
Investigator:	Star:

**VICTIM/WITNESS NUMBER**Continued ☐

Type	Title (Circle One): Mr. Mrs. Ms. Miss Dr. Other:						
Name	Last	First	Middle	Suffix			
Address:	Street	City	State	Zip			
Home Phone:	312	Work Phone:	( )	Ext.			
Sex:	Race:	DOB:	DL:	State	Number	Public Aid No.:	
Property Loss: \$	Personal Injury:	GSW TO FOREHEAD / HOMICIDE					
Related to Defendant:	NO	Handicap:	#1/64 JUNE 1993: DR-CH01				
Notes:	STUDENT SENN H.S.						

**VICTIM/WITNESS NUMBER**Continued ☐

Type	Title (Circle One): Mr. Mrs. Ms. Miss Dr. Other:						
Name	Last	First	Middle	Suffix			
Address:	Street	City	State	Zip			
Home Phone:	312	Work Phone:	( )	Ext.			
Sex:	Race:	DOB:	DL:	State	Number	Public Aid No.:	
Property Loss: \$	Personal Injury:	NO					
Related to Defendant:	NO	Handicap:	W SPEAKS ONLY SPANISH (DET. GUEVARA INTERPRETED)				
Notes:	THIS W SAW A FROM HIS 2ND FLOOR WINDOW - A WAS ACROSS THE STREET FACING HIM. W SAW A FIRE S SHOTS FROM BLACK .22-25 cal pistol. UNOBSTRUCTED VIEW/POS. 1D.						

**NEXT EVENT/ASA**

Next event date	24 Jun 93	Next event	PH	Location	66
ASA	LATZ	Unit	FRV	Approval type:	<input checked="" type="checkbox"/> Personal <input type="checkbox"/> Telephone

**DATA ENTRY**

Date

Entered By

PCN

MC Number

Defendant

Branch



*Iglesias v. Guevara, et al.*,  
19 CV 06508

## EXHIBIT 28



**KENTUCKIANA**  
— COURT REPORTERS —

**CASE NO. 1:19-CV-6508**

**GERALDO IGLESIAS**

**V.**

**REYNALDO GUEVARA, ET AL.**

**DEPONENT:**

**MICHAEL LATZ**

**DATE:**

**January 18, 2022**



✉ [schedule@kentuckianareporters.com](mailto:schedule@kentuckianareporters.com)

☎ 877.808.5856 | 502.589.2273

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF ILLINOIS  
3 EASTERN DIVISION  
4 CASE NO 1:19-CV-6508  
5

6 GERALDO IGLESIAS,  
7 Plaintiff  
8

9 V.  
10

11 REYNALDO GUEVARA, ET AL.,  
12 Defendants  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

23 DEPONENT: MICHAEL LATZ

24 DATE: JANUARY 18, 2022

25 REPORTER: AMANDA DEMENT

APPEARANCES

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(Appeared via videoconference)

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(Appeared via videoconference)



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## STIPULATION

The deposition of MICHAEL LATZ was taken at KENTUCKIANA COURT REPORTERS, 30 SOUTH WACKER DRIVE, 22ND FLOOR, CHICAGO, ILLINOIS 60606, via videoconference in which all participants attended remotely, MONDAY. the 18TH day of JANUARY 2022. at approximately 10:31 a.m.; said deposition was taken pursuant to the FEDERAL Rules of Civil Procedure. The oath in this matter was sworn remotely pursuant to FRCP 30.

It is agreed that AMANDA DEMENT, being a Notary Public and Court Reporter for the State of ILLINOIS, may swear the witness and that the reading and signing of the completed transcript by the witness is not waived.

## PROCEEDINGS

COURT REPORTER: Okay. We are now on the record. Will all parties, except for the witness, please state your appearance, how you're attending, and your location?

MS. BRADY: Yes. Good morning. This is Rachel Brady, attending on behalf of the plaintiff. I'm participating remotely via Zoom from Chicago.

MR. CHRISTIE: Bob Christie on behalf of the defendant officers, attending remotely in Chicago.

MS. MCGRATH: Megan McGrath on behalf of Defendant Guevara, attending remotely from Chicago.

MR. RAHE: This is Austin Rahe, R-A-H-E, attending remotely from the Chicagoland area. I'm here on behalf of the City of Chicago.

MR. COYNE: And on behalf of the witness, Michael Latz, John Coyne, C-O-Y-N-E, attending remotely from Chicago.

COURT REPORTER: Okay. Thank you. Mr. Latz, will you please state your full name for the record?

THE WITNESS: Michael Latz, L-A-T-Z.

COURT REPORTER: Thank you. Do all parties stipulate that the witness is, in fact, Michael Latz?

MS. BRADY: Yes.

MR. RAHE: Yes.

MS. MCGRATH: Yes.

MR. CHRISTIE: Yep.

COURT REPORTER: Okay. Mr. Latz, will you please raise your right hand? Do you solely swear or affirm that the testimony you're about to give will be the truth, the whole truth, and nothing but the truth?

THE WITNESS: I do.

COURT REPORTER: Okay. You may begin.

DIRECT EXAMINATION

BY MS. BRADY:

Q Good morning, Mr. Latz. My name is Rachel Brady and I represent Geraldo Iglesias, who's the plaintiff in this case. Have you ever been deposed before?

A No.

Q So I'll go over some of the ground rules, just so we're on the same page for today. I'm going to ask you questions, and your answers are going to be under oath so, just as if you were testifying in a courtroom. If you don't understand one of my questions, please ask me to rephrase or clarify. If you answer my question, I'm going to assume you understood it. So, just be sure to ask me to clarify if you have any questions. So, the

1 court reporter can get a clean record, please try your  
2 very best to let me finish my complete question before  
3 you start your answer, and I'll do my best to let you  
4 finish your complete answer before I start my next  
5 question. I understand that things can get a little  
6 tricky just because of the Zoom format, but I'm going to  
7 do my very best, and I would ask that you do, as well.  
8 And because the court reporter is taking a transcript,  
9 it's important that you keep your answers verbal. So  
10 saying yes or no, as opposed to nodding your head, or  
11 saying uh-huh, or uh-uh. And from time to time, your  
12 lawyer or one of the other lawyers here might object to  
13 one of my questions. Unless your lawyer instructs you  
14 not to answer the question, you can let everybody finish  
15 their objections, and then, you can go ahead and answer  
16 the question that's pending. Okay?

17 A Yes.

18 Q All right. And we can take a break whenever  
19 you need one. The only thing I would ask is that if  
20 there is a question pending, that you answer the  
21 question, and then, we can go on a break. Okay?

22 A I understand.

23 Q Okay. Is there any reason that you cannot  
24 provide complete and accurate answers to my questions  
25 today?

1 A No.

2 Q Do you have any conditions that affect your  
3 memory?

4 A No.

5 Q Do you take any medication that affects your  
6 memory?

7 A No.

8 Q Are you familiar with the allegations in this  
9 civil lawsuit?

10 A No.

11 Q You understand that you are not a defendant,  
12 right?

13 A Yes.

14 Q And that you have not been accused of any  
15 misconduct, right?

16 A Yes.

17 Q Okay. Did you review any documentary material  
18 to prepare for this deposition, such as police reports  
19 or transcripts?

20 A Yes.

21 Q What did you review to prepare for this  
22 deposition?

23 A I reviewed the felony review folder, which was  
24 completed in this case, which, I believe, that I  
25 completed.

1 Q Okay. And did you have a chance to look at  
2 the exhibits that were sent around, just about 20 or 30  
3 minutes ago?

4 MR. COYNE: Yeah. Let me interject, counsel,  
5 really quickly. Just for the record, we did, my  
6 office did make requests for documents and exhibits  
7 from plaintiff's office to be forwarded in  
8 preparation for the deposition. We did not receive  
9 any from plaintiff's counsel, nor have I received  
10 any as of this moment regarding this deposition,  
11 just for the record.

12 MS. BRADY: Oh, okay. So, I sent them this  
13 morning. We can go off the record and I can send  
14 them to you again. John, I want to make sure you  
15 have them.

16 MR. COYNE: Okay.

17 MS. BRADY: Okay, so let's take a quick break  
18 and go off the record, and I'll send everything.

19 (OFF THE RECORD)

20 COURT REPORTER: Okay, we're back on the  
21 record.

22 MR. COYNE: All right. Just for the record,  
23 did receive from plaintiff's counsel, four documents  
24 as attachments to an e-mail regarding the deposition  
25 this morning. One is a supplementary report



1 regarding victim, Monica Roman, Chicago Police  
2 Department, dated 7 June, 1993. Secondly, there's a  
3 felony review folder -- or strike that. There's a  
4 felony minute sheet form 101, that's one page.  
5 Thirdly, there is a felony review folder with a case  
6 file document. And lastly, there is a case fact  
7 sheet for Geraldo Iglesias, dated June 24 of '93,  
8 which appears to be case information. I'm going to  
9 be forwarding -- I have not had a chance to review  
10 them in detail, and nonetheless to move this along,  
11 I will be forwarding all four of these documents to  
12 the witness so that he can view them as needed for  
13 the deposition. Thank you.

14 BY MS. BRADY:

15 Q So Mr. Latz, your counsel just sent you the  
16 documents that I might use as exhibits today. But apart  
17 from those documents that are coming to you now, have  
18 you reviewed any documentary material or transcripts, or  
19 anything like that to prepare for this deposition?

20 A Only what I said earlier. I did review the  
21 felony review folder, which was completed in conjunction  
22 with this case.

23 Q Okay. And where did you find the felony  
24 review folder?

25 MR. COYNE: Objection. Form.

1 A A copy of the felony review folder was sent to  
2 me by e-mail.

3 Q And from whom was the felony review folder  
4 sent to you?

5 A My attorney.

6 Q Okay. And have you -- strike that. When you  
7 looked at the felony review folder, did you  
8 independently recall your participation in this case?

9 A I did not. I did not independently recall.

10 Q Okay. Did it refresh your recollection in any  
11 way?

12 A Only vaguely.

13 Q Okay. And did you remember filling out any of  
14 the information on the felony review folder?

15 A I did not.

16 Q And when you say it refreshed your  
17 recollection vaguely about the case, can you tell me  
18 what you recalled about the case after you looked at the  
19 felony review folder?

20 A I meant vaguely, in the sense that I recalled  
21 I was assigned a felony review that summer. I recalled  
22 who the felony review trial supervisors were, my felony  
23 trial supervisors. I recall that I did -- I was called  
24 to Area Five for, you know, several murders that summer.  
25 But I did not recall any specific incidents regarding

1 this case.

2 Q Okay. And was that felony review folder the  
3 only document you reviewed in connection with this case,  
4 as you prepared for your deposition?

5 A I reviewed, but did not, you know, study the  
6 detective supplementary report.

7 Q Okay. And how did you get the supplementary  
8 report?

9 A It was sent to me by e-mail.

10 Q Okay. From whom?

11 A My attorney.

12 Q All right. Are there any other documents, or  
13 transcripts, or anything to that effect, that you  
14 reviewed to prepare for this deposition?

15 A No.

16 Q Did you read about Mr. Iglesias's case online,  
17 or in the news, or anything like that?

18 A I did not.

19 Q Okay. Have you spoken about this deposition  
20 with attorneys representing any of the defendants in  
21 this civil case? And that would be attorneys for the  
22 individual defendants, Reynaldo Guevara, or the City of  
23 Chicago?

24 A About two years ago, I received a telephone  
25 call from attorneys for defendants, and I forget which

1 one, and I can't remember the name. But I did speak to  
2 an attorney for the defense.

3 Q And can you tell me what you discussed?

4 A The attorney asked me if I recalled this case,  
5 being the felony review assistant on this case, and I  
6 told him I did not recall it at all.

7 Q Did you discuss anything else with that  
8 attorney?

9 A No.

10 Q Have you spoken about this deposition, or  
11 about the Iglesias case since its conclusion, with  
12 anyone else, apart from your attorney and the attorney  
13 that you just told me about?

14 A I did -- no. I didn't talk about the  
15 substance of the case. I did tell people that I was  
16 being deposed.

17 Q And for any of the people that you told you  
18 were being deposed, did anybody discuss the substance of  
19 the case, or their participation, or their recollection  
20 of this case at all?

21 A No.

22 Q Okay. Are you currently employed?

23 A Yes.

24 Q Who's your employer?

25 A I'm self-employed.

1 Q And what's the name of your law firm, I  
2 assume?

3 A Michael Latz, Attorney at Law.

4 Q Okay. And for how long have you had your own  
5 firm?

6 A Since last March -- March 1st.

7 Q And when did you leave the Cook County State's  
8 Attorney's office?

9 A I left the Cook County State's Attorney's  
10 office in 1995, I believe.

11 Q Do you remember when in 1995?

12 A I do not.

13 Q And why did you leave the Cook County State's  
14 Attorney's office?

15 A I left the Cook County State's Attorney's  
16 office to take a job with a law firm in Chicago.

17 Q And what kind of law firm did you leave the  
18 State's Attorney's office for?

19 A It was a law firm that did insurance defense.

20 Q And for how long were you -- well, strike  
21 that. What was the name of the law firm?

22 A O'Connor, Schiff and Meyer.

23 Q And for how long were you at O'Connor, Schiff  
24 and Meyer?

25 A Approximately three years.

1 Q And where did you go after that?

2 A After that, I went to a firm by the name of  
3 Potter and Schaffner.

4 Q What kind of law does Potter and Schaffner do?

5 A Employment law, wage and hour. Both -- mostly  
6 on the plaintiff side.

7 Q How long were you at Potter and Schaffner?

8 A Approximately three years.

9 Q So that takes us up through about 2001;  
10 is that right?

11 A I would say probably 2000 so.

12 Q All right. And then, where did you go after  
13 Potter and Schaffner?

14 A Went to a firm named Bollinger Ruberry and  
15 Garvey.

16 Q And for how long were you there?

17 A Approximately seven years.

18 Q And what kind of work did you do there?

19 A It was insurance defense.

20 Q So after you left in around 2007, where did  
21 you go?

22 A A firm called Ancel Glink.

23 Q And for how long were you at Ancel Glink?

24 A Approximately three years -- three and a half  
25 years.

1 Q What kind of work did you do there?

2 A Ancel Glink does a lot of representation of  
3 municipalities and government agencies, and I  
4 represented municipalities when they were sued.

5 Q Did you do any work representing  
6 municipalities in Section 1983 civil rights suits?

7 A In my -- yes.

8 Q All right. So, I think, we're up through  
9 about 2010. Where did you go after you left Ancel  
10 Glink?

11 A I was appointed as a Commissioner of Illinois  
12 Workers' Compensation, and I served as both Commissioner  
13 and Chairman of Illinois Workers' Compensation  
14 Commission.

15 Q Until when?

16 A That was four years.

17 Q So around through 2014?

18 A Yes.

19 Q Okay. And then, what did you do after you  
20 left the Illinois Workers' Compensation Commission?

21 A I went to a firm called McAndrews Norgle.

22 Q What kind of work does McAndrews and Norgle  
23 do?

24 A 80 percent is workers' compensation defense.

25 Q All right. And did you do workers' comp



1 defense while you were there?

2 A Yes.

3 Q And then, when did you leave McAndrews and  
4 Norgle?

5 A About three years later, I went to a firm  
6 called Litchfield Cavo.

7 Q And for how long were you at Litchfield Cavo?

8 A Approximately -- just less than four years.

9 Q What kind of work did you do at Litchfield  
10 Cavo?

11 A Workers' compensation defense and insurance  
12 defense.

13 Q And is that when -- when you left Litchfield  
14 Cavo, is that when you went out on your own?

15 A That's correct.

16 Q Okay. All right. So now I want to talk about  
17 your time at the Cook County State's Attorney's office.  
18 And you said you left in 1995, what was your job title  
19 in 1995?

20 A I was an Assistant State's Attorney, in the  
21 Criminal Prosecutions Bureau.

22 Q And how long were you an ASA in the Criminal  
23 Prosecutions Bureau?

24 A The entire time I was an Assistant State's  
25 Attorney, I was in the Criminal Prosecutions Bureau.

1 Q When did you start at the Cook County State's  
2 Attorney's office?

3 A February 1, 1990.

4 Q So you were there for about five, six years?

5 A That's correct.

6 Q Okay. And once you left the Cook County  
7 State's Attorney's office, did you have any more  
8 involvement in the cases that you worked on while you  
9 were there?

10 A Could you restate or rephrase that question?

11 Q Sure. So after you left the Cook County  
12 State's Attorney's office, did you continue to work on  
13 any of the criminal prosecutions, that you had been  
14 assigned to while you were at the State's Attorney's  
15 office?

16 A No.

17 Q Did you have any direct involvement in the  
18 prosecution of cases that you were working on, while you  
19 were at the State's Attorney's office?

20 A No.

21 MR. COYNE: Objection. Form. Sorry. Go ahead.

22 Q Why did you leave the State's Attorney's  
23 office?

24 A Excuse me, could you restate that question?

25 Q Sure. Why did you leave the State's

1 **Attorney's office?**

2 A To take a job in a law firm. Make more money.

3 Q Did you have any employment in the legal  
4 profession before you started at the Cook County State's  
5 Attorney's office?

6 A Yes.

7 Q And what was it?

8 A When I was a law student, I was employed at  
9 the St. Joseph County Prosecutor's office in Indiana, as  
10 an intern. And after I was sworn in, I worked for three  
11 months at my brother's law firm.

12 Q All right. When did you graduate law school?

13 A 1989.

14 Q And do you speak Spanish?

15 A I am not fluent. I understand Spanish, but  
16 I'm not -- I don't speak it fluently.

17 Q Do you understand Spanish fluently?

18 A No.

19 Q Did you understand Spanish back in 1993?

20 A No.

21 Q When did you start to learn Spanish?

22 A I started to learn in high school. I took  
23 high school Spanish.

24 Q And in 1993, was the extent of your Spanish  
25 education high school Spanish?

1 A Yes.

2 Q How many years of Spanish did you take in high  
3 school?

4 A Four.

5 Q And did you take Spanish in college at all?

6 A Yes.

7 Q How many years?

8 A One or two.

9 Q Did you study abroad in a Spanish speaking  
10 country?

11 A I did not.

12 Q So four years of high school Spanish, two  
13 years of college Spanish. Did you have any other  
14 Spanish education up through 1993?

15 MR. COYNE: Objection. Form.

16 A No.

17 Q Did you study in high school, a particular  
18 dialect of Spanish, and by that, I mean Mexican Spanish,  
19 Puerto Rican Spanish, Spain Spanish?

20 MR. COYNE: Objection. Form.

21 A The Spanish we were taught was Castiliano,  
22 which was basically Spanish, Spanish.

23 Q And did the same go for your Spanish education  
24 in college?

25 MR. COYNE: Objection.

1 A No.

2 Q What dialect, or origin of Spanish, did you  
3 study in college?

4 MR. COYNE: I'm sorry, Rachel, did we get an  
5 answer to the last question? I didn't catch it.

6 MS. BRADY: Oh, I'm sorry.

7 MR. COYNE: Was there an answer?

8 THE WITNESS: What was the question, please?

9 BY MS. BRADY:

10 Q It was whether you studied the same Castiliano  
11 Spanish in college, as you did in high school?

12 A I don't recall.

13 Q All right. So, I have some questions now  
14 about the State's Attorney's office, and specifically,  
15 the felony review process, and I'm limiting my questions  
16 to the 1993 timeframe. So I know you weren't there for  
17 a terribly long time, but if I don't give you a  
18 timeframe, I'm asking you about 1993. Okay?

19 A Yes.

20 Q All right. So can you tell me what the  
21 responsibilities of a felony review prosecutor were in  
22 the Cook County State's Attorney's office in the 1993  
23 timeframe?

24 MR. COYNE: Objection. Foundation. Go ahead.

25 A I cannot tell you what the responsibilities

1 were, in terms of any sort of policy or job description.  
2 I could tell you what I did in 1993.

3 **Q Yeah. Please do.**

4 A Well, as a felony review assistant, we were  
5 responsible for assessing charges which were submitted  
6 by detectives and other Chicago police officers and  
7 determine whether they would receive approval for filing  
8 felony charges. That's it.

9 **Q Okay. And when you say charges that were**  
10 **submitted by detectives, what does that mean?**

11 A Detectives would submit the evidence, which  
12 they prepared in the form of reports and statements, and  
13 request approval for felony charges.

14 **Q Okay. And how were you, as a felony review**  
15 **prosecutor, notified that a detective wanted approval**  
16 **for charges?**

17 A We were, at that time in 1993, we had pagers  
18 issued by the State's Attorney's office, and when the  
19 pager would page you, you'd know to call into the  
20 State's Attorney's office, and you'd be given an  
21 assignment.

22 **Q Okay. So your assignments came from, like a**  
23 **dispatch at the State's Attorney's office, and not from**  
24 **the police department directly; is that accurate?**

25 A That's correct.

1 Q Right. And during your five or six years at  
2 the State's Attorney's office, did you have a specific  
3 assignment in felony review, or did people kind of  
4 rotate through those positions?

5 MR. COYNE: Objection. Form.

6 A I did not have a specific assignment felony  
7 review. I was a member of a felony review team, and  
8 just received assignments, kind of a rotating order.

9 Q And you said you were at felony review in the  
10 summer of 1993?

11 A Yes.

12 Q Did you do any other rotations in felony  
13 review?

14 A I just had one rotation in felony review, if  
15 you could call it a rotation, which lasted approximately  
16 a year.

17 Q And then, when you were a felony review  
18 prosecutor, after you made the decision whether to  
19 approve or deny charges, did your involvement in the  
20 prosecution typically end, or did you stay on and  
21 continue working on the case?

22 MR. COYNE: Objection. Form and foundation. Go  
23 ahead.

24 A If I could just clarify. Depending upon what  
25 the charge is, it wasn't always my call whether to



1 approve or deny charges. But once the charges were  
2 approved or denied, my participation in the case ended.

3 Q And when you say it wasn't always your call  
4 whether to approve or deny charges, can you explain what  
5 you meant by that?

6 A Yeah. Certain, very serious crimes, we needed  
7 -- I needed approval of the felony trial supervisor, or  
8 maybe someone even higher up in felony review, in order  
9 to have the charges approved.

10 Q And in those situations, if you were the one  
11 who got called out to the station to review evidence,  
12 would you make a recommendation to the felony trial  
13 supervisor or up?

14 MR. COYNE: Objection. Form.

15 A It depends upon the case, and the particular  
16 facts of the case.

17 Q Who was the felony trial supervisor in 1993?

18 A There were -- there was more than one. Each  
19 felony review team had at least one, maybe two felony  
20 trial supervisors.

21 Q And do you remember who the felony trial  
22 supervisors were in 1993?

23 A Are you saying the team that I was on?

24 Q Yes.

25 A Frank Difranco, and David Studenroth.

1 Q All right. And when you looked at the felony  
2 review folder for the Monica Roman/Geraldo Iglesias case  
3 that you mentioned earlier, were you able to tell  
4 whether you were the one who approved charges, or  
5 whether you submitted them up the chain for review?

6 A I was not.

7 Q You were not able to tell?

8 A That's correct. I was not able to tell.

9 Q Where would I look to be able to figure out if  
10 you were the one who approved charges versus someone  
11 else up the chain?

12 MR. COYNE: Objection. Foundation.

13 A I don't know.

14 Q All right. Oh, you said that there were  
15 multiple felony review teams, and that Frank Difranco  
16 and David Studenroth were the supervisors of you were  
17 team. How many other teams were there in 1993?

18 A I do not recall.

19 Q Okay. And how did the teams work? Were they  
20 assigned to specific areas, or specific stations, or  
21 specific categories of crimes, or something else?

22 A I don't recall.

23 Q And do you recall how many times you were  
24 called out to a station to approve charges, during your  
25 tenure on the felony review team?

1 A I do not recall.

2 Q Was it more along the lines of once a day, or  
3 once a week, or once a month?

4 MR. COYNE: Objection. Foundation.

5 A There was no regular schedule. That could  
6 have been random. It could have been several times a  
7 day, or not at all during the shift. There was no --

8 Q Okay. And I'm not trying to pin you down on a  
9 specific number, but just so that I can have an  
10 understanding of your involvement, and kind of what it  
11 just looked like on your end, can you give me an  
12 estimate of the number of times you went out to review  
13 felony charges during your year on felony review?

14 MR. COYNE: Sorry. Same objection.

15 A I'm sorry. I couldn't give you an estimate.  
16 This was 30 years ago, and I just -- it would just be a  
17 pure guess.

18 Q Okay. Was it more than 10?

19 A Yes.

20 MR. COYNE: Same objection.

21 Q Was it more than 50?

22 MR. COYNE: Same objection.

23 A Was what more than 50?

24 Q The number of times that you went out to a  
25 station to approve felony charges, or to evaluate felony

1 charges?

2 A Yes.

3 Q Okay. And do you recall how many of the  
4 felony charges that you were called out to approve were  
5 homicides?

6 A I do not recall.

7 Q Do you have an estimate of the percentage of  
8 the work that you did that -- on felony review that  
9 involved homicides?

10 MR. COYNE: Objection. Foundation.

11 A It would just be pure guess.

12 Q Okay. What other felonies were you called out  
13 to review other than homicides? What other categories  
14 of felonies?

15 A Armed robberies would be an example.  
16 Aggravated batteries would be another example.

17 Q All right. So I want to discuss with you now  
18 the obligations of state prosecutors, under Brady versus  
19 Maryland. So do you have an understanding of the state  
20 prosecutor's obligation under Brady?

21 MR. COYNE: Objection. Foundation and form.

22 A I am familiar with what's called the Brady  
23 Rule.

24 Q And what is that?

25 A The obligation of prosecutors to disclose

1 exculpatory evidence to the defense.

2 Q And in 1993, did you understand that the state  
3 prosecutor's obligation under Brady required them to  
4 disclose all exculpatory evidence to the defense?

5 MR. COYNE: Objection. Foundation.

6 MR. RAHE: Objection to form, as well.

7 A I don't recall what I knew in 1993.

8 Q Do you have any reason to think that you were  
9 not aware of your obligation under Brady versus Maryland  
10 in 1993?

11 MR. COYNE: Same objection.

12 MR. RAHE: Objection to form.

13 A I don't understand the question.

14 Q So as you sit here today, you understand the  
15 prosecutor's obligation under the Brady Rule, right?

16 A Yes.

17 Q And do you understand that obligation to  
18 include a requirement that prosecutors need to turn over  
19 all exculpatory evidence or potentially exculpatory  
20 evidence to the defense?

21 A I wouldn't say --

22 MR. COYNE: Objection to form.

23 MR. RAHE: Objection to form.

24 Q Can you repeat your answer? I think it got  
25 covered up by objections.

1           A       I wouldn't say that's exactly my understanding  
2 of it, but I would say that's one description of the  
3 Brady Rule.

4           Q       Okay. What about the description I just gave  
5 doesn't square exactly with your understanding of the  
6 Brady Rule?

7           MR. COYNE: Objection. Form.

8           MR. RAHE: Objection.

9           A       It's not all Brady versus Maryland says.

10          Q       Okay. Do you understand that at least one  
11 component of the Brady Rule is that state prosecutors  
12 need to disclose all potentially exculpatory evidence to  
13 the defense?

14          A       Yes.

15          MR. COYNE: Same objection. Go ahead.

16          MR. RAHE: Objection to form.

17          Q       And do you have any reason to think that you  
18 did not know that, or did not have that understanding  
19 about the Brady Rule, back when you were at the state's  
20 attorney's office?

21          MR. RAHE: Objection. Form. Foundation.

22          A       Could you rephrase the question, please?

23          Q       Yeah. So let me give a little context. So I  
24 asked if you had that understanding of the Brady Rule  
25 that we just discussed back in 1993. And you say you

1 don't know. You don't remember what you knew in 1993.

2 So my question is: Do you think that you  
3 probably knew that in 1993?

4 MR. RAHE: Same objection. Form and  
5 foundation.

6 MR. COYNE: Objection.

7 A It is likely that, 1993, that I was aware of  
8 Brady. Yes.

9 BY MS. BRADY:

10 Q Okay. And given all of your training in law  
11 school, and your internship in the prosecutor's office  
12 in St. Joseph County, and the training, if any, that you  
13 had to go through at the state's attorney's office, do  
14 you think you have a reason to suspect that you did not  
15 know about the Brady obligation back in 1993?

16 MR. RAHE: Objection. Form. Foundation.

17 MR. COYNE: Objection. Form.

18 A No.

19 Q Are you familiar with the prosecutor's duty to  
20 seek justice and not merely convict?

21 MR. COYNE: Objection. Form.

22 MR. RAHE: Objection. Form.

23 A Yes.

24 Q And did you follow the Brady Rule during your  
25 time in the prosecutor's office?



1 MR. RAHE: Objection to form.

2 MR. COYNE: Objection to form, foundation.

3 A What do you mean by follow?

4 Q Did you disclose all potentially exculpatory  
5 evidence of which you were aware, or otherwise ensure  
6 that it was disclosed to criminal defendants?

7 MR. RAHE: Objection. Form. Foundation.

8 A When I was a prosecutor and had the obligation  
9 to make disclosures, I always did so to the best of my  
10 ability and knowledge.

11 Q Okay. Do you have any reason to think that,  
12 at any point, you were aware of potentially exculpatory  
13 information that you did not produce to a criminal  
14 defendant?

15 MR. RAHE: Same objection.

16 MR. COYNE: Objection to form.

17 A Could you restate the question?

18 Q Yeah. Do you have any reason to think that,  
19 if you were aware of exculpatory information -- oh,  
20 strike that. Can we assume that, if you as a  
21 prosecutor, were aware of potentially exculpatory  
22 information, that you made sure that it was turned over  
23 to the defense?

24 MR. RAHE: Same objections.

25 MR. COYNE: Objection. Also calls for

1 speculation.

2 A I can't answer that question the way it's  
3 stated. There's over a thousand assistant state  
4 attorneys in the Cook County State's Attorney's office.

5 BY MS. BRADY:

6 Q So my question is about you and your practice.  
7 So can you think of any instances, while you were at the  
8 state's attorney's office, in which you were aware of  
9 potentially exculpatory information, and you did not  
10 follow the protocol to disclose it to the defendants?

11 MR. RAHE: Same objections.

12 A No.

13 Q Did the Cook County State's Attorney's office  
14 have a procedure or a standard protocol in the 1993  
15 timeframe to ensure that all potentially exculpatory  
16 information got turned over to the defense?

17 MR. RAHE: Same objections.

18 MR. COYNE: Objection. Form. Foundation.

19 A I don't know.

20 Q Did you ever respond to discovery requests  
21 while you were at the state's attorney's office?

22 A Yes.

23 Q And what are discovery requests?

24 A Well, discovery is a mechanism by which the  
25 party asked the other party for documents and other

1 evidence to be disclosed.

2 Q And did you ever have the responsibility of  
3 responding to discovery requests while you were at the  
4 state's attorney's office?

5 A I believe so.

6 Q And would it be fair to say that it was --  
7 strike that. Were you given any training on how to  
8 respond to discovery requests at the state's attorney's  
9 office?

10 A I don't recall specifically any training.

11 Q So how did you learn what to do when you got a  
12 discovery request from the defense?

13 MR. COYNE: Objection. Form.

14 A I don't -- is your question -- is how did you  
15 learn how to do it? Is that what your question is?

16 Q Yeah. Yes.

17 A I don't recall.

18 Q Do you have any reason to think that you were  
19 not given some sort of instruction, either formal, or on  
20 the job training, about how to respond to discovery  
21 requests at the prosecutor's office?

22 MR. RAHE: Objection. Foundation.

23 A It's kind of a compound question, but you are  
24 -- I do know that I learned, during the course when I  
25 was an assistant state attorney, of how to respond to

1 discovery requests.

2 Q And when you were in felony review, were you  
3 responsible for responding to discovery requests?

4 A No.

5 Q Can you think of any instances, while you were  
6 in felony review, where you learned about exculpatory or  
7 potentially exculpatory material that had not been  
8 disclosed to the defense attorneys?

9 MR. COYNE: Objection. Form. Foundation.

10 MR. RAHE: Form. Foundation.

11 A Did you hear my answer?

12 Q I didn't.

13 A Oh, could you repeat the question?

14 Q Oh, yeah. Can you think of a time, when you  
15 were in felony review, where you learned about  
16 exculpatory or potentially exculpatory evidence that had  
17 not been disclosed to the defense?

18 MR. COYNE: I apologize, Rachel. Same  
19 objections.

20 A No. Never.

21 Q All right. These next questions are, I assume  
22 I know the answers, but I just have to ask them. Did  
23 you ever personally withhold exculpatory evidence from  
24 defense?

25 A No.

1 Q Are you aware of any instance in which any  
2 prosecutor at the CCSAO withheld exculpatory evidence  
3 from the defense?

4 MR. COYNE: Objection. Form. Foundation.

5 A No.

6 Q Back in the mid-90s, did the Cook County  
7 State's Attorney's office have a file-keeping system  
8 that allowed defense attorneys to come review the  
9 prosecutor's file?

10 MR. COYNE: Objection. Form. Foundation.

11 MR. RAHE: Form. Foundation.

12 A I don't know.

13 Q In the mid-90s, are you aware whether the Cook  
14 County State's Attorney's office prosecutors were able  
15 to go inspect Chicago Police Department files?

16 MR. COYNE: Same objection.

17 MR. RAHE: Followed.

18 A I don't know.

19 Q Did you ever personally inspect a file at the  
20 Chicago Police Department or its records division?

21 A I did not.

22 Q Okay. So now, I'm going to ask you about your  
23 practices in general, as a felony review prosecutor. And  
24 so, I'm not asking about a specific case, but just kind  
25 of your approach to doing things. So when you were a

1 felony review prosecutor in 1993, what was your process  
2 for determining whether to approve charges against a  
3 suspect?

4 MR. COYNE: Rachel, so I don't have to keep  
5 interrupting you. Can I just get a continuing line  
6 of objection on form and foundation, based on his  
7 testimony that he doesn't recall what he knew in  
8 1993? That way I don't have to keep interrupting.  
9 Thank you.

10 A I think that's too general of a question to  
11 answer. I wonder if you could be more specific.

12 BY MS. BRADY:

13 Q Yeah. So in the instances in which you were  
14 called down to a station, to decide whether to approve  
15 charges against someone, how did you decide what was  
16 sufficient evidence to approve charges versus not  
17 approve charges?

18 A I don't know if I could answer that without  
19 the specific context of what the charge was, what the  
20 evidence was, and it was different in every case. You  
21 know, and I would just be speculating if I was to give  
22 you an example, as I sit here today. I could answer  
23 questions, but they'd have to be more specific  
24 questions.

25 Q Okay. Was the felony-reviewed decision to

1 approve charges in any way different from the actual  
2 decision to charge a criminal defendant, or was it all  
3 one and the same?

4 MR. RAHE: Objection. Form.

5 A I don't know. I don't know, as I sit here  
6 today, whether there was any difference, and I don't  
7 know what you're referring to. What do you mean the  
8 decision to charge.

9 Q Okay. Did you ever make a decision to approve  
10 charges that was overruled by one of your supervisors?

11 A I don't recall.

12 Q Do you recall if you were ever -- or strike  
13 that. Do you recall ever making a decision not to  
14 approve charges, that was overruled by a supervisor?

15 A I don't recall.

16 Q And am I correct in understanding the process  
17 as you described it, which is that the police would  
18 contact the state's attorney's office when they believed  
19 they had enough evidence to charge someone, and then, a  
20 felony review prosecutor would go to the station, and  
21 review the evidence available, and then, determine  
22 whether the evidence established probable cause to  
23 charge?

24 MR. RAHE: Objection. Form. Misstates the  
25 prior testimony.



1 MR. COYNE: And foundation.

2 A I don't -- I can't agree that that's exactly  
3 the way it worked.

4 BY MS. BRADY:

5 Q Was that typically the way that it worked in  
6 your experience?

7 A No.

8 MR. COYNE: Objection to form.

9 Q Okay. Can you tell me --

10 MR. COYNE: Sorry.

11 MS. BRADY: I didn't hear your objection.

12 MR. RAHE: Oh, objection. Just the same  
13 objection.

14 BY MS. BRADY:

15 Q Can you tell me what about your practice  
16 differed from the explanation for the question I just  
17 asked?

18 A Well, not my practice, just the way it was  
19 worded wasn't exactly the way it went, in my  
20 recollection.

21 Q Okay. So can you tell me, in your  
22 recollection, how it did go?

23 A The police, generally a detective, would call  
24 state attorney's felony review, and ask for a review of  
25 felony charges -- a request for felony charges, and

1 dependent upon the type of charge it was, it could be  
2 handled either over the phone, or a felony review  
3 assistant would be sent out to the area to review the  
4 charges.

5 Q And did the police tell the felony review  
6 prosecutor what charges they were seeking?

7 MR. COYNE: Objection. Form and foundation.

8 A Generally, yes.

9 Q And would it be fair to say that, in deciding  
10 whether to approve charges, you relied on information  
11 provided to you by the detectives that asked you to come  
12 review the case?

13 MR. RAHE: Objection. Form.

14 A Yes.

15 Q Did you rely on the information or evidence  
16 provided by detectives to be complete and accurate?

17 MR. COYNE: Objection. Form.

18 A Yes.

19 Q Can you think of an instance in which you ever  
20 went to a station to evaluate charges, and you thought  
21 that there was evidence that had been fabricated?

22 A No.

23 Q Can you think of an instance in which you ever  
24 went to a station to evaluate charges, where you thought  
25 that the officers giving you the information were being

1 untruthful?

2 MR. COYNE: Objection. Form.

3 A No.

4 Q And in the mid-90s, if you thought there was  
5 insufficient evidence to approve charges, how did you  
6 communicate that to the detectives?

7 A I would state one of two things. Either  
8 felony charges are not approved, or make it a continuing  
9 investigation and ask for, you know, other witnesses to  
10 be interviewed or something like that.

11 Q Okay. And can you explain the difference  
12 between felony charges are not approved and make it a  
13 continuing investigation?

14 A No. I can't explain that any more than I just  
15 did.

16 Q Okay. Are there instances that you can think  
17 of in which you went to review charges, and you just  
18 denied them outright, and it ended the investigation?

19 MR. COYNE: Objection. Form.

20 A As I sit here --

21 MR. RAHE: Object to foundation. I'm sorry.

22 A As I sit here today, I can't remember any  
23 specific situations, but I know that I did not approve  
24 felony charges on many occasions.

25 Q And as you sit here today, can you think of

1 any specific instances in which you went to review  
2 charges, and you told the detectives to keep  
3 investigating?

4 A Not specific cases, but I know that it  
5 happened.

6 Q If you -- oh, strike that. Did you have a  
7 practice of memorializing your thought process or  
8 decision making process that you undertook in order to  
9 decide whether to approve charges or deny them?

10 MR. COYNE: Objection. Form.

11 A I didn't keep any notes other than what was  
12 memorialized in the felony review folder.

13 Q All right. I'm going to put up an exhibit.  
14 We'll call this Exhibit 1. Give me a second to get it  
15 at my screen. Okay. Can you see this?

16 (EXHIBIT 1 MARKED FOR IDENTIFICATION)

17 A I can.

18 MR. RAHE: So you can, Mike, or can't.

19 THE WITNESS: I can. I can.

20 MR. RAHE: So the felony review case filing.

21 BY MS. BRADY:

22 Q Yeah. My computer says it stopped sharing.  
23 Let me put it up again. Okay. Can you see this  
24 document on your screen?

25 A I can see that. Yes.

1 Q Okay. So for the record, this is a nine page  
2 PDF, beginning at Bates label, CCSAO Iglesias, 470.  
3 Are you familiar with this layout?

4 MR. RAHE: Objection to form and foundation.

5 Q And I'm not asking questions about this  
6 document, specifically, but just about this kind of  
7 category of document, and I can flip through the pages  
8 if you'd like me to.

9 MR. RAHE: (Inaudible).

10 A I am familiar with this form, if that's what  
11 you're asking.

12 Q Yeah. So I'll flip through so you can see the  
13 rest of the pages, just so we're on the same page.

14 MR. RAHE: Rachel, just to clarify, this  
15 exhibit includes the top sheet, which is a criminal  
16 file case document, which, I believe, is a separate  
17 document from felony review, but just for purposes  
18 of the questions, I wanted to clarify whether the  
19 questions are going to pertain to the entire  
20 exhibit, or just a felony review folder.

21 BY MS. BRADY:

22 Q Yes. I included that in error. So the first  
23 page of this document is not part of the felony review  
24 folder; is that right?

25 A This first page looks like it's a felony file

1 jacket. I've never seen this before.

2 Q Okay.

3 A Looks like it's the file jacket that's capped  
4 with the felony trial.

5 Q Okay. So flipping now to the second page of  
6 this PDF, which is CCSAO, Iglesias, 471. When you talk  
7 about the felony review folder, is this the document  
8 that you're talking about?

9 A Yes.

10 Q Okay. So this folder, which is Exhibit 1, is  
11 this the place where you would memorialize your thoughts  
12 about whether to approve charges?

13 MR. COYNE: Objection to form.

14 A This is where I would record the information  
15 which I gleaned, when I came to the area, and recorded  
16 what evidence, summarized what evidence was told to me  
17 by the detectives in order to, you know, prove, or deny  
18 felony charges.

19 Q Okay. And not asking about this document  
20 specifically, but just about this category of felony  
21 review jackets. When you were recording the information  
22 about various witnesses, where did you get it?

23 MR. RAHE: Objection to form.

24 A Where did I get what, the felony review  
25 folders?

1 Q Oh, I'm sorry. Yeah. Where did you get the  
2 information about what the various witnesses had to say?

3 MR. RAHE: Same objection.

4 A It depends. As often as possible, I would  
5 interview the witnesses myself.

6 Q Okay. Did you also get it from available  
7 police reports?

8 A Yeah. I did review police reports when I went  
9 to the area, to begin the analysis of doing a felony  
10 review.

11 Q Okay. And did you also obtain information  
12 about witnesses or other evidence in the investigations  
13 orally from detectives?

14 A I don't recall specifically, but likely.

15 Q And would it be fair to say that you, as a  
16 felony review prosecutor, did not independently  
17 investigate cases before deciding whether to approve or  
18 decline charges against a defendant?

19 MR. COYNE: Objection to form.

20 A Yes.

21 Q Would it be fair to say that your decisions  
22 were based on evidence brought to you by local law  
23 enforcement agencies?

24 MR. COYNE: Objection to form.

25 A Yes.



1 Q Did you rely on detectives to give you their  
2 general progress reports when you were determining  
3 whether to approve charges?

4 MR. RAHE: Objection to form and foundation.

5 A I don't know what you mean progress reports.

6 Q So by way of background, there are a couple of  
7 categories of reports. So there's the supplementary  
8 reports, which I think you mentioned earlier, as having  
9 been a document that you reviewed to prepare for this  
10 deposition. And then, there were also general progress  
11 reports, and sometimes, they were just handwritten  
12 notes, and sometimes, they actually said general  
13 progress report in the upper left-hand corner. Do you  
14 remember there being a difference between the types of  
15 reports that I'm describing?

16 MR. CHRISTIE: Object to form. Go ahead.

17 A I would just like to correct this. I didn't  
18 review a supplementary report before I came here. I saw  
19 one but I didn't review it.

20 Q Okay. That was -- yeah -- my bad.

21 A I don't recall the specific names of the  
22 reports that I reviewed when I was called out to do a  
23 felon review.

24 Q Did you typically review any handwritten  
25 notes?

1           A     I don't recall reviewing any handwritten  
2 notes.

3           Q     And do you recall any instances in which you  
4 based your decision, whether to approve charges, on  
5 information provided by a confidential informant?

6           A     No. (Coughs) Excuse me.

7           Q     And you said that sometimes you would  
8 interview witnesses, and sometimes, you would rely on  
9 police reports or police providing you with information  
10 in some capacity?

11          A     I don't think that's what I said. I said it  
12 depends upon the case, that we try to interview  
13 eyewitnesses as often as possible.

14          Q     Okay. And what would determine whether you  
15 were able to interview an eyewitness before deciding  
16 whether to approve charges?

17          A     I don't know. It would depend upon the case.  
18 It would certainly, of course, depend upon whether they  
19 were cooperative, and depend upon whether they were  
20 available.

21          Q     Was your decision to approve charges based  
22 upon a determination of whether there was probable  
23 cause?

24          A     As I sit here today, I honestly cannot  
25 remember the standard that we were giving for assessing

whether to approve or deny felony charges.

Q Do you have any reason to believe that this standard that you used to determine whether to approve felony charges was anything other than probable cause?

MR. CHRISTIE: Objection. Form.

A Yes.

Q And why do you think that it could have been something other than probable cause?

A Well -- I don't have this specific, but probable cause is pretty low standard. And we had, I would say, a little bit of a higher standard, and it's more than probable cause. It's more likely that we would have reasonable probable-hood of success at trial.

Q Can you think of any instances while you were in felony review where you approved charges, and then, detectives continued to investigate the case?

A I don't know of any.

Q Are you aware of whether the Chicago Police Department had any sort of database in the early '90s to track reliability of confidential informants?

A No.

MR. CHRISTIE: Foundation.

MR. COYNE: Form and foundation to that question.

BY MS. BRADY:

1 Q All right. So you've told me about  
2 information in police reports, witness interviews, and  
3 information provided to you orally by detectives that  
4 you would consider in deciding whether to approve  
5 charges. What other kinds of materials did you review  
6 while you were in felony review in order to determine  
7 whether to approve charges?

8 A Could you name the ones that you said already?

9 Q Yep. Written police reports, witness  
10 interviews, and information conveyed orally by police.

11 A Statements of the defendant, if any.

12 Q Okay. Anything else?

13 A As I sit here, I can't think of anything else.

14 Q And, I think, you may have answered this  
15 already, but if you spoke with a witness or a suspect in  
16 deciding whether to approve charges, would you  
17 memorialize that conversation somewhere?

18 A Could you just restate that question?

19 Q Yeah. If you spoke with a witness or a  
20 suspect, while you were in the process of deciding  
21 whether to approve charges, would you memorialize that  
22 conversation somewhere?

23 A Yes.

24 Q And where would you memorialize it?

25 A In the felony review folder.

1 Q What is a felony minute sheet?

2 A I don't know.

3 Q Are you familiar with the term, felony 101?

4 A No.

5 Q Apart from the felony review folder that we  
6 just discussed, were you, as a felony review prosecutor,  
7 responsible for writing up any other paperwork, or  
8 reports, or documents, or anything like that to  
9 memorialize your decision to approve or deny charges?

10 A The felony review folder is the only way I  
11 recall that we documented our felony review calls.

12 Q Okay. I'm going to put up now what we'll call  
13 Exhibit 2. For the record, this is a one-page document  
14 at Bates label, RFC Iglesias 9. Can you see this  
15 document on your screen?

16 (EXHIBIT 2 MARKED FOR IDENTIFICATION)

17 A I do.

18 Q Do you need me to zoom in?

19 A Please. Yes, please.

20 Q Okay. So here at the top is this felony  
21 minute sheet form 101. Do you see that?

22 A I do.

23 Q Okay. Do you recall ever using or writing one  
24 of these felony minute sheet form 101?

25 A What do you mean by using?

1 Q Using the form to memorialize your thoughts or  
2 actions or decisions?

3 A I never created a form 101.

4 Q Okay. Do you know as a matter practice who  
5 was responsible for writing the felony 101 form?

6 A I do not.

7 Q All right.

8 MR. COYNE: Sorry. Did you mark that as 2,  
9 Rachel, or no?

10 MS. BRADY: I did.

11 MR. COYNE: Exhibit 2. Thank you.

12 BY MS. BRADY:

13 Q What is the state's attorney case fact sheet?

14 A I do not know.

15 Q I'm going to put up a document. We'll call it  
16 Exhibit 3. For the record, this is a three-page  
17 document, beginning at Bates CCSAO Iglesias 157. Can  
18 you see this document on your screen?

19 (EXHIBIT 3 MARKED FOR IDENTIFICATION)

20 A Can you enlarge it a little bit?

21 Q Sure.

22 A That -- thank you. I can see it. Yes.

23 Q Okay. And I'm going to scroll down so you can  
24 take a look at each page. And you can ignore the  
25 highlighting for now. Okay. Have you had a chance to

1 take a look at this case fact sheet?

2 A Could you scroll back to the top, please? Yes.  
3 I see it.

4 Q All right. Did you, as a felony review  
5 prosecutor, prepare this case fact sheet, or were you --  
6 strike that. Were you as a federal -- strike that. Were  
7 you, as a felony review prosecutor, responsible for  
8 preparing case fact sheets like this?

9 A No.

10 Q Did you rely on these kinds of case fact  
11 sheets during your duties in felony review?

12 A No.

13 Q Did you as a felony review prosecutor, ever  
14 make promises to witnesses in exchange for testimony, or  
15 statements, or other information?

16 MR. CHRISTIE: Objection. Form.

17 A Never.

18 Q Are you aware of any instance in which anyone  
19 from the Cook County State's Attorney's office made a  
20 promise to a witness in exchange for testimony or other  
21 information?

22 MR. CHRISTIE: Objection. Form, foundation.

23 A I think that's a -- do you mean ever -- in any  
24 kind of promise ever?

25 Q Yes.



A I -- could you repeat or restate the question?

Q Sure. Are you aware of any instances in which anyone from the Cook County State's Attorney's office made a promise to a witness in exchange for testimony or other information?

MR. CHRISTIE: Same objection.

A I don't have a specific recollection in mind. I do know that -- well, have a general recollection of promising witnesses that they be protected and that they -- but other than that, nothing.

Q Okay. Are you aware of instances in which a criminal defendant in one case, or a suspect in one case, would be offered a deal in exchange for testimony in another case?

A No.

MR. CHRISTIE: Objection. Form, foundation to previous question.

Q And in the instance you described where witnesses were promised protection in exchange for information, would that deal be memorialized somewhere?

MR. CHRISTIE: Objection. Same.

A I don't recall.

Q Were you ever responsible for working out the plea agreements with criminal defendants while you were at the state's attorney's office?

A In what context?

Q Any context.

A Yes.

Q And if you worked out a plea deal with a suspect or a defendant, would you be sure to memorialize that somewhere?

MR. COYNE: Objection. Incomplete hypothetical.

Q Strike that. In the instances in which you worked out plea deals with defendants while you were at the state's attorney's office, would you memorialize the terms of the deal somewhere?

A Yes.

MR. COYNE: Objection to form.

Q To the best of your understanding, was it the practice at the state's attorney's office to memorialize the terms of any deals reached with defendants?

MR. CHRISTIE: Objection. Form.

A I can't speak to policies or what other people did. Only to what I recollect that I did.

Q Do you have reason to think that there were prosecutors at the state's attorney's office in the early '90s who were not memorializing the terms of plea deals that they had reached with criminal defendants?

MR. CHRISTIE: Objection to form.

1 A Well, all plea deals are memorialized.

2 MR. CHRISTIE: Objection to form and  
3 speculation. Sorry. Go ahead.

4 A All-plea deals are memorialized by the court  
5 when the plea is taken.

6 BY MS. BRADY:

7 Q And to the best of your understanding, those  
8 plea deals include all of the terms of the deal, right?

9 A I don't know.

10 Q Do you have reason to think that anyone at the  
11 state's attorney's office in the early '90s was making  
12 deals with criminal defendants whose terms were not  
13 memorialized somewhere or otherwise disclosed?

14 MR. CHRISTIE: Objection. Form, foundation,  
15 calls for speculation.

16 A No.

17 Q All right. So now I'm going to ask you some  
18 questions about the Iglesias, Roman case, specifically.  
19 So if now would be a good time to take a break, we can  
20 do that. Otherwise, we can plow through. It's up to  
21 you.

22 MR. COYNE: Why don't we take five?

23 MS. BRADY: Sure.

24 MR. COYNE: Let's take five minutes. Okay,  
25 thanks.

COURT REPORTER: We'll go off the record.

(OFF THE RECORD)

COURT REPORTER: Okay. We're back on the record.

BY MS. BRADY:

Q Okay. Mr. Latz, you told me earlier that even after looking at the felony review folder, you had no independent recollection of the specifics of the Iglesias' case; is that right?

A That's correct.

Q Do you have any independent recollection of the contents of the prosecution file?

A I do not.

Q I will represent to you that we have a file that was provided to us by the Cook County State's Attorney's office. Do you have any way of knowing or is -- strike that. Is there any way that we can look at that file and determine when documents were placed in it?

MR. COYNE: Objection. Foundation.

A Not that I know of.

Q Do you recall a witness by the name of Fransico Vicente?

A I have no independent recollection at all.

Q What about a witness named Frankie Vicente?

A No.

Q What about a witness named Chino (phonetic)?

A No.

Q Do you recall a man by the name of Rosendo Ochoa?

A I do not.

Q Do you recall a man by the name of Hugo Rodriguez?

A No.

Q David Chmielewski?

A No.

Q Efrain Torres?

A No.

Q Do you have any independent recollection of Geraldo Iglesias?

A I do not.

Q Do you remember speaking about the Iglesias' case with David Studenrach?

A No.

Q Do you remember talking about the Iglesias' prosecution with Priddy Peroysing (phonetic)?

A No.

Q Do you remember speaking with the -- any of the defense attorneys about the Iglesias' prosecution so that would be John DeLeon or Donna MaKowski?

1 MR. COYNE: You mean criminal -- I'm sorry. You  
2 mean criminal defense attorneys, correct?

3 MS. BRADY: Yes.

4 MR. COYNE: Thank you.

5 A No. If you're asking me, do I recollect ever  
6 speaking to them? No.

7 BY MS. BRADY:

8 Q Okay. And do you recall speaking with any CPD  
9 employees about this case?

10 A I do not recall speaking to any of the Chicago  
11 police that was assigned to this case.

12 Q Do you recall any conversations you've ever  
13 had with Reynaldo Guevara?

14 A I do not.

15 Q Do you remember Reynaldo Guevara at all?

16 A Vaguely.

17 Q What do you remember about him?

18 A I was sent to Area Five pretty frequently that  
19 summer. I knew that he was a detective in Area Five.

20 Q Do you remember anything else about him?

21 A No.

22 Q Do you remember any cases that he presented to  
23 you?

24 A Well, other than this one, just because my  
25 recollection has been refreshed. I don't remember any

1 others.

2 Q Do you remember Detective Halvorsen -- Ernie  
3 Halvorsen?

4 A Vaguely.

5 Q What do you remember about Detective  
6 Halvorsen?

7 A I remember that he was a detective in Area  
8 Five.

9 Q Okay. Do you remember anything else about him  
10 or any other cases?

11 A No.

12 Q Do you remember were a Detective Steve Gawrys?

13 A I do not.

14 Q Do you remember Sergeant Biebel over at Area  
15 Five?

16 A Only vaguely.

17 Q What do you remember about Sergeant Biebel?

18 A Just that he was a sergeant of detectives.  
19 That's it.

20 Q When you were reviewing cases at Area Five,  
21 was he as a sergeant typically involved in your  
22 interviews or decision-making process?

23 A Typically, no.

24 Q And can you think of any instances in which he  
25 was?



A I cannot.

Q Okay. And do you remember a CP Detective Ritchio (phonetic) or Riccio?

A I do. Yes.

Q What do you remember about him?

A I worked with detective Riccio on a few cases. He knew me by name. He was a friendly guy. And of course, I watched him as he -- from afar as he progressed in the ranks at the Chicago Police Department.

Q And what do you mean you watched as he progressed through the ranks?

A I believe, he reached a pretty high rank in the Chicago police Department.

Q And when you say you watched from afar, what do you mean?

A I mean that I've seen him on TV. I've seen him at press conferences. That's what I mean.

Q Okay. Did you have any personal or friendly relationship with him?

A I would call us friendly, but just within that confines of the police. We didn't meet outside socially anywhere.

Q Do you remember any cases that you worked on with then Detective Riccio while you were at the state

1 attorney's office?

2 A No.

3 Q And do you recall making any of the decisions  
4 to approve or not approve charges in the Iglesias' case?

5 A I do not.

6 Q And do you know, as you sit here today,  
7 independent of any documents, how you decided whether to  
8 approve or not approve charges against Geraldo Iglesias?

9 MR. COYNE: Let me note an objection. And to  
10 the extent that a question, actually calls into  
11 question application of the attorney work product  
12 doctrine. Before I go any further, let me just ask  
13 Mr. Latz, do you know the answer to that question?  
14 Without answering it, just tell me whether you know  
15 the answer to the question or not.

16 THE WITNESS: No.

17 MR. COYNE: All right. Then I'll -- won't be  
18 in need to insert the instruction. Go ahead.

19 BY MS. BRADY:

20 Q Okay. So I'm going to put up now a document  
21 that we will call Exhibit 4. And for the record, this  
22 is a four-page document, beginning at Bates RFC Iglesias  
23 90. Can you see this supplementary report on your  
24 screen?

25 (EXHIBIT 4 MARKED FOR IDENTIFICATION)

1           A       I can, Ms. Brady. I wonder if you could  
2 enlarge it for me.

3           Q       Yes. And I'll flip through all the pages, so  
4 you can familiarize yourself with it. Can you see this?

5           A       I can.

6           Q       Okay. Just let me know when you're ready for  
7 me to scroll.

8           A       Scroll down. Okay. Okay. Okay. Okay. Okay.  
9 Okay.

10          Q       That's it. And I'll just add for the record  
11 that the highlighting on here is mine, just for ease of  
12 communication during this Zoom deposition. It wasn't in  
13 the original document.

14          A       Good.

15          Q       All right. Have you had an opportunity to  
16 review this whole report?

17          A       You just showed it to me. I've taken a few  
18 minutes to just briefly review it.

19          Q       Sure. Are there any places on this document  
20 that you want to go back and look at, or read more  
21 carefully?

22          A       Well, depends upon the question, I guess. I'll  
23 tell you if I need to.

24               MR. COYNE: Yeah. Let me just object to  
25 foundation as to that question, since he hasn't read

1 it yet, but go ahead.

2 BY MS. BRADY:

3 Q If I ask you about specific portions, I'll  
4 give you a chance to read them more thoroughly. But  
5 just for now, do you feel like you're familiar with the  
6 report in terms of its layout and the places where your  
7 name appears?

8 MR. COYNE: Objection. Foundation.

9 A I see that my name appears. I did not create  
10 this document, and it was obviously created after the  
11 felony review process was over by someone else.

12 Q All right. And during your time in felony  
13 review, was that your practice to review documents  
14 written by detectives that detailed your participation  
15 in a case?

16 A No.

17 Q Okay. So would it be fair to say that you did  
18 not review this report after it was written?

19 MR. COYNE: Objection. Foundation.

20 A I have no recollection of reviewing this  
21 report after it was created.

22 Q Okay. And it would not have been your  
23 practice to do so, right?

24 A No. Would not.

25 Q All right. So having, kind of looked at just

1 the general contents of this report, does this refresh  
2 your recollection at all about the Geraldo Iglesias'  
3 prosecution or the Monica Roman murder?

4 A Really, it does not.

5 Q All right. So take a look here, kind of in  
6 the middle spot of the second page of this document, it  
7 says "Notifications ASA Mike Latz felony review."

8 A Yes.

9 Q That -- was that you?

10 A I didn't create this document, but I assume it  
11 was me.

12 Q Okay. And it appears from this document, and  
13 we can take a look at the felony review folder, if you  
14 want confirmation. And here, it says on the third page  
15 of this document, "The R/DETS contacted felony review  
16 and ASA Latz reviewed the investigative file and  
17 interviewed Rosendo Ochoa. A second witness, Arnell  
18 Moore, was brought into Area Five VC," which, I believe,  
19 stands for violent crimes. "Arnell Moore was  
20 interviewed by ASA Latz and provided the same  
21 information that he previously had told detectives.  
22 Arnell Moore stated that he did not get a good look at  
23 the face of the shooter and would not be able to make an  
24 identification." Do you see that?

25 A I do.

1 Q Does this refresh your recollection at all  
2 about interviewing this person named Rosendo Ochoa?

3 A It does not.

4 Q All right. The next paragraph says, "The  
5 reporting detectives located three of the persons who  
6 were in the car with the victim when she was shot. Those  
7 persons are Hugo Rodriguez, Jose Cornell, and Daniel  
8 Sanchez. The driver of the car, Jesus Gonzalez, was in  
9 Mexico, but was expected to return to Chicago.

10 Rodriguez, Cornell, Sanchez spoke very limited English  
11 and were interviewed by ASA Latz, but Detective R.  
12 Guevara as interpreter. During this interview, Hugo  
13 Rodriguez stated that he would be able to identify the  
14 person who shot Monica Roman. Do you see that?

15 A I do.

16 Q Okay. Does this refresh your recollection at  
17 all about interviewing any of the witnesses to this  
18 case, or anything else about your participation?

19 A I don't remember those interviews at all.

20 Q Okay. Do you recall other instances in which  
21 you interviewed folks at Area Five and Reynaldo Guevara  
22 translated?

23 A I do not. I'm sorry.

24 MR. CHRISTIE: Objection to form.

25 Q All right. So we can see here at the top of

1 this page, it appears, like Mr. Ochoa had viewed a  
2 lineup and identified Geraldo Iglesias as the person who  
3 shot and killed Monica Roman. Do you see that?

4 A I do.

5 Q I'm going to flip to the first page and direct  
6 your attention to this paragraph where it says, "On 21  
7 June, 1993, the reporting detectives were contacted by a  
8 confidential informant who's a member of the Imperial  
9 Gangsters Street Gang. This informant stated that many  
10 members of the gang were talking about snake killing a  
11 girl in a car on Sawyer and Palmer. The informant could  
12 not elaborate any further." Do you see that?

13 A I do.

14 MR. COYNE: Rachel, I think you're referring to  
15 page 2, not page 1, just from what I'm looking at.

16 MS. BRADY: Oh, I'm sorry. Did I say page 1?

17 MR. COYNE: Correct.

18 BY MS. BRADY:

19 Q Okay. Yeah, that was my bad. Page 2 of this  
20 document. All right. So would you agree that based on  
21 this report, the evidence that detectives had at the  
22 time they come contacted you was a lineup identification  
23 from Rosendo Ochoa and that information provided by the  
24 confidential informant?

25 MR. CHRISTIE: Objection. Form.



1 MR. COYNE: Objection. Form. Yeah. Let me -  
2 - let me -- objection. Form, foundation.  
3 Argumentative and requires speculation based upon  
4 his testimony thus far. Go ahead.

5 A This document which we're looking at was not  
6 created until after I did my felony review evaluation. I  
7 did not rely up upon this document in any way in making  
8 that decision. And I don't have any other recollection  
9 of anything that was presented to me when I came to Area  
10 Five on that day in June, 1993.

11 BY MS. BRADY:

12 Q Do you have a reason to believe that this  
13 report is inaccurate?

14 MR. COYNE: Same objection.

15 A I have no basis that's called accurate nor  
16 inaccurate.

17 Q All right. So here, this highlighted  
18 paragraph on page 3 of the report, which is RFC Iglesias  
19 92, it lists that you were interviewed -- or you  
20 interviewed people? The final paragraph notes that, as  
21 well. Do you see that?

22 A I do see the paragraph. Yes.

23 Q Okay. Would it -- strike that. Could we look  
24 at the felony review folder then to determine the  
25 contents of those interviews?

1 MR. COYNE: Objection. Form.

2 A Yes.

3 Q Okay. All right. I'm flipping back to  
4 Exhibit 1, which is the felony review jacket. I'm going  
5 to flip through and find the names of the people who we  
6 just discussed. One of them was Rosendo Ochoa. I'm  
7 sorry, one of them was Arnell Moore. I see him as  
8 witness number 3 on page 476 of this document. Do you  
9 see that?

10 A I do.

11 MR. COYNE: Rachel, which exhibit number is  
12 this again?

13 MS. BRADY: This is Exhibit 1.

14 MR. COYNE: One. Okay.

15 MS. BRADY: Yeah. I'm going to go back and  
16 forth between exhibits 4 and 1 a couple of times.

17 MR. COYNE: Okay.

18 BY MS. BRADY:

19 A Do you have a question?

20 Q Oh yeah. I'm sorry. I thought you were  
21 looking. Would this be the place where you would have  
22 memorialized your conversation with Arnell Moore?

23 A Yes.

24 Q Okay. Do you have any reason to think that  
25 there's anything incomplete about this writeup of what

1 he said to you?

2 MR. COYNE: Objection -- sorry. Object to  
3 foundation.

4 MR. CHRISTIE: Objection to form.

5 A As I sit here today, I have no reason to  
6 believe that there's anything incomplete about this  
7 summary.

8 Q All right. So it looks like after you  
9 interviewed Arnell Moore, you and Guevara talked to Hugo  
10 Rodriguez, Jose Cornell, and Daniel Sanchez, and I see  
11 that by looking at page 3 of the supplementary report  
12 we've been looking at.

13 MR. COYNE: Let me just catch up with you  
14 Rachel before.

15 MS. BRADY: -- sure. The final paragraph on  
16 page 3.

17 MR. COYNE: Okay.

18 MR. CHRISTIE: And we're back on Exhibit 4?

19 MS. BRADY: Yes.

20 MR. CHRISTIE: Okay.

21 MR. COYNE: Got it. Thank you.

22 A Based upon my review of what appears to be a  
23 felony review folder in my handwriting, that I did  
24 interview Sanchez, Rodriguez, and Cornell.

25 BY MS. BRADY:

1 Q Okay. I'm flipping back now to Exhibit 1 and  
2 we can see the interview with Sanchez is here on page  
3 476 at the bottom; is that right?

4 A I'm sorry, what's the question?

5 Q Your interview with Daniel Sanchez is  
6 memorialized here on page 476?

7 A I would say that my interview with Sanchez is  
8 summarized in the three lines of that box called  
9 "Victim Witness number 4."

10 Q Okay. And as far as you know, this is an  
11 accurate summary of what he told you?

12 MR. COYNE: Object to foundation.

13 A As I sit here today, 30 years later, that's an  
14 accurate summary of what he told me.

15 Q Okay. You talked to Daniel Sanchez, Jose  
16 Cornell, and Hugo Rodriguez. So Jose Cornell looks like  
17 he appears on page 474 of your felony review file. Would  
18 you agree with that?

19 A Yes. A summary of that interview appears on  
20 474.

21 Q Okay. And as you sit here today, do you  
22 believe that this is an accurate writeup, or an accurate  
23 summary, of what he told you?

24 MR. COYNE: Objection. Foundation.

25 A Yes.

1 Q Here we have, above that on page 474, witness  
2 number 5, Hugo Rodriguez. Do you see that?

3 A I do.

4 Q Does this, as far as you know, seem like an  
5 accurate summary of what Mr. Rodriguez told you?

6 MR. COYNE: Same objection.

7 A I don't have any independent recollection so I  
8 really can't say. But, I have no reason to believe it's  
9 not an accurate summary.

10 Q Okay. All right. Guevara says that he was --  
11 or this report says Guevara was translating these  
12 interviews?

13 A That's what the report says.

14 Q It says here? Were you able to understand  
15 what Guevara and the witnesses were saying to each  
16 other?

17 MR. COYNE: Objection to form.

18 A I have no recollection of that.

19 Q Do you have any reason to think that he was  
20 not translating accurately?

21 MR. COYNE: Objection. Foundation.

22 A I have no reason.

23 MR. CHRISTIE: Objection. Speculation, too.  
24 Go ahead, sir.

25 A I have no independent recollection, so

1 therefore, I have no reason to believe he was not  
2 translating that correctly.

3 BY MS. BRADY:

4 Q Okay. I think I also missed one. It says  
5 here, Mike Latz, in this paragraph on page 3, Mike Latz  
6 interviewed Rosendo Ochoa, and I just want to find that  
7 on your felony review folder. Where --

8 MR. CHRISTIE: Rachel, it could be at the last  
9 page.

10 Q Oh, thank you. This is page 478 of this  
11 folder, the very bottom box. It says "Eyewitness  
12 Rosendo Ochoa." Do you see that?

13 A I do.

14 Q Do you have any reason to think that there's  
15 something inaccurate about your summary of what Rosendo  
16 Ochoa told you through Detective Guevara who  
17 interpreted?

18 MR. COYNE: Objection. Foundation.

19 A I have no independent recollection. Therefore,  
20 I have no reason to believe it's not an accurate  
21 summary.

22 Q Okay. All right. Going back to this police  
23 report. I'm now flipping to page 4 of the report. Do  
24 you see that?

25 A Yes.

1 Q Okay. At the very top, it says, "On 24 June,  
2 '93 at 0030 hours, Detective R. Guevara and A.S.A. M.  
3 Latz showed Hugo Rodriguez the same photo array  
4 previously viewed by Rosendo Ochoa. After viewing this  
5 photo array, Hugo Rodriguez identified the photo of  
6 Geraldo Iglesias as the person he saw shooting Monica  
7 Roman. This photo array was inventoried for evidence."  
8 Do you see that?

9 A I do.

10 Q Okay. Up to this point, according to this  
11 report, it looks like you had a photo array  
12 identification from Hugo Rodriguez. Information  
13 provided by a confidential informant. And a lineup  
14 identification from Rosendo Ochoa. At that point, it  
15 says, "A.S.A. Latz requested that two other persons  
16 listed in the police reports as potential witnesses,  
17 Efrain Torres, and David Chmielewski, be allowed to  
18 review Geraldo Iglesias in a lineup." Do you see that?

19 A I do.

20 Q Okay. Does this paragraph give you any  
21 insight now, 30 years later, about the value of the  
22 evidence that detectives Guevara and Halvorson had  
23 presented to you up until that point?

24 MR. COYNE: Objection. Form, foundation.

25 A No.



1 MR. CHRISTIE: Objection.

2 Q Would I be correct in interpreting this as one  
3 of those situations where you said you need to do more  
4 investigation before I can approve charges?

5 MR. COYNE: Same objection.

6 MR. CHRISTIE: Objection also causes  
7 speculation.

8 A I don't have any independent recollection of  
9 this at all, so I don't know what the proper inference  
10 is.

11 Q Okay. A while back, you told me that there  
12 were three things that you would do when called to a  
13 station to review charges. You would approve them. You  
14 would deny them, or you would say conduct some more  
15 investigation. Am I remembering that correctly?

16 A Yes.

17 Q Okay. If you would have approved charges at  
18 this point, 0030 hours, would you have requested that  
19 police go interview more witnesses?

20 MR. COYNE: Objection. Foundation.

21 A I guess, I don't understand the question.  
22 Please restate the question.

23 Q Sure. The second paragraph of this report  
24 says that you requested, if it's true -- you requested  
25 two other people look at a lineup. Does that seem like

1 an accurate summary based on this report?

2 MR. COYNE: Same objection.

3 A I have no independent recollection.

4 Q Sure. I understand that. Would you agree  
5 that based on this report, what happened was, you  
6 interviewed all of the people who appear in these  
7 witness slots on your felony review folder that we've  
8 discussed so far, and requested that Detectives go view  
9 -- pick up some more witnesses to view a lineup?

10 MR. COYNE: Objection. Form, foundation.

11 A I really don't have any recollection of that.  
12 That's what this supplementary report says.

13 Q Do you have a reason to think that this report  
14 is inaccurate?

15 MR. COYNE: Same objection.

16 MR. CHRISTIE: Objection. Calls for  
17 speculation.

18 A No.

19 BY MS. BRADY:

20 Q Okay. Let's just assume that this is what  
21 happened. That this report is accurate so far. And you  
22 interviewed Rodriguez, Ochoa, Arnell Moore, Jose  
23 Cornell, and Daniel Sanchez. I think that's it. And  
24 then you said, "Please go have two other witnesses look  
25 at Geraldo Iglesias in a lineup." As you sit here today,

1 does that provide you with any information about what  
2 the value of the evidence or the interviews you had done  
3 already was?

4 A No.

5 MR. COYNE: Objection to form. Foundation. Go  
6 ahead. Rachel, can I, just to make it easier on you  
7 and given the Zoom delays, can I get a continuing  
8 line of objections? Will you accept based on form  
9 and foundation as to any questions from this witness  
10 pertaining to this case sub-report in light of his  
11 testimony, that he has no independent recollection  
12 of it? That way, I won't have to keep interrupting  
13 you.

14 MS. BRADY: Yes.

15 MR. COYNE: That'll make it easier. Thank you.

16 MR. CHRISTIE: We'll just join just to make it  
17 easier.

18 MR. COYNE: I think, it will. Yeah. That way  
19 we won't be stepping on the witness's answer or your  
20 question. Thank you.

21 MS. BRADY: Well, it's been the policy  
22 throughout that one objection for our defendant is  
23 for all of the defendants. So, I think, we're still  
24 doing that.

25 MR. COYNE: This is my first deposition in this

1 case so I wasn't aware of that.

2 MS. BRADY: No. I wasn't talking to you, John.

3 MR. COYNE: Okay.

4 MS. BRADY: Just clarifying for the record.

5 MR. COYNE: Oh, I got you. Okay. I  
6 understand.

7 MS. BRADY: Okay. I think there's a question  
8 pending.

9 MR. COYNE: There is. I objected to it. You  
10 want to hear it again, Mike?

11 THE WITNESS: Yes, please.

12 BY MS. BRADY:

13 Q Okay. I'm going to do my best to ask the  
14 question again. I don't remember it exactly. So, I'll  
15 just ask a new question. Assuming that the information  
16 in this report is accurate, which is that you were  
17 presented with the investigative file. You knew that  
18 Rosendo Ochoa had viewed a lineup and picked out Geraldo  
19 Iglesias, and you spoke with witnesses, Arnell Moore,  
20 Ochoa, Hugo Rodriguez, Jose Cornell, and Daniel Sanchez,  
21 and you knew that Hugo Rodriguez had picked Geraldo  
22 Iglesias out of a photo array. Why would you have  
23 requested that detectives go out and get two more  
24 witnesses to look at a lineup?

25 MR. COYNE: Separately from my earlier

1 objection, clearly that calls for attorney work  
2 product. I'm just going to ask you before we further  
3 investigate and engage in any analysis in that  
4 regard Mike, do you know the answer to the question  
5 she just asked you? Without answering it, do you  
6 know the answer?

7 THE WITNESS: No.

8 MR. COYNE: Okay.

9 BY MS. BRADY:

10 Q Based on your practice, reviewing charges as a  
11 felony review prosecutor, would it be safe to assume  
12 that at this point, when you requested additional  
13 witnesses come in and view lineups, you did not believe  
14 there was sufficient evidence to approve charges?

15 MR. COYNE: And again, my question based upon  
16 the fact that the question you just asked. First of  
17 all, for the record, we have a continuing line of  
18 objections as to form and foundations as to any  
19 question to this witness, based on this document.  
20 Separately from that line of objections, the issue  
21 is now the application of the attorney work product  
22 privilege under Rule 26, et seq. to this question.  
23 So Mike, once again, without answering the question,  
24 in order to assess whether to instruct you on that  
25 privilege, do know the answer to the question she

1 just asked you?

2 THE WITNESS: Could you repeat the question?

3 MR. COYNE: Yeah. Can the court reporter read  
4 it back, Rachel, or if you prefer, you can just  
5 rephrase it or whatever you want to do. I'm just --

6 MS. BRADY: We can have the court reporter read  
7 it back.

8 MR. COYNE: -- great.

9 COURT REPORTER: Give me one moment.

10 MR. COYNE: Can you turn the volume up, please?

11 COURT REPORTER: Yeah. One second.

12 (REPORTER PLAYS BACK REQUESTED TESTIMONY)

13 MR. COYNE: Amanda, I'm just going to ask --  
14 I'm sorry. I'm going to ask that the entire  
15 question, including the beginning, which qualifies  
16 the rest of the question. If you please replay the  
17 entire question. Thank you.

18 COURT REPORTER: Yes.

19 (REPORTER PLAYS BACK REQUESTED TESTIMONY)

20 MR. COYNE: And again, Mike, the issue is,  
21 because this is a why question. This is asking you  
22 why you did something, which clearly invokes the  
23 attorney work product privilege under Rule 26. The  
24 question I have for you, without your answering that  
25 question that she just asked you, do you know the

1 answer?

2 THE WITNESS: Yes. I do know.

3 MR. COYNE: All right then. All right. Well,  
4 I would instruct you not to answer the question then  
5 based on attorney work product privilege.

6 BY MS. BRADY:

7 Q Mr. Latz, are you going to take your  
8 attorney's advice and assert work product protection  
9 over the response to my question?

10 A Yes.

11 MR. COYNE: And for the record, I'm not asking  
12 him to invoke it. I'm instructing him not to  
13 answer. So the proper question would be, is he going  
14 to follow his attorney's advice? Just for the  
15 record, but, I think, he's answered.

16 MS. BRADY: Yeah. I need his testimony on  
17 whether he's invoking the work product protection.

18 MR. COYNE: Well, he's not. His attorney is.  
19 He's following my instruction not to answer. I'm  
20 the one that's invoking the work product privilege.

21 MS. BRADY: Sure. So you can't invoke the  
22 privilege on his behalf.

23 MR. COYNE: I can instruct him not to answer.  
24 I'm sorry. Go ahead, Rachel. I didn't mean to  
25 interrupt you.



1 MS. BRADY: Yeah. He needs to be the one to  
2 invoke it because it's his protection.

3 THE WITNESS: I will take my attorney's advice.

4 MS. BRADY: Okay.

5 MR. COYNE: Yeah. That's what he's doing. He's  
6 following his attorney's instruction.

7 MS. BRADY: Okay. Are you also asserting  
8 work product protection over the information I'm  
9 looking for?

10 MR. COYNE: Objection. Foundation. I don't  
11 even know if he knows what it is. What the  
12 privilege is. But go ahead. Objection.  
13 Foundation. You can answer if you can.

14 A Yes.

15 MS. BRADY: Okay. We are going to reserve the  
16 right to reopen this deposition after we have a  
17 chance to raise this issue with the court, if  
18 necessary.

19 MR. COYNE: Sure. And just to clarify, you  
20 believe that the question you asked him, which  
21 involves his answering why he did something or did  
22 not do something with respect to his approving  
23 charges, it's your position that that question, why  
24 he did something with respect to his approving or  
25 not approving charges, that that does not invoke the

1 attorney work product privilege?

2 MS. BRADY: That's correct. Because I'm asking  
3 about his practice.

4 MR. COYNE: Well, no, the practice you  
5 predicated the question was the practice. But then,  
6 you applied the practice, which has been undefined  
7 and untestified to, to the question of what he did  
8 in this case. So, I think, we have an obligation  
9 under Rule 37.2, before you file a motion to compel,  
10 or I file a motion for protective order, to suss  
11 that issue out. So if you're asking him about his  
12 practices, I think, that's fair game. If you're  
13 asking him, "But what were your practices in 1993 as  
14 a felony review assistant," then, I think, that's  
15 fair game. Although I have a continuing line of  
16 objections based on foundation, since he doesn't  
17 recall what he knew in 1993. But holding that  
18 aside, I believe, it's fair game to ask him about  
19 his practices. If you're asking him why he did or  
20 did not pursue a particular line of inquiry or  
21 action regarding charges, then it's my position that  
22 that does clearly invoke the attorney work product  
23 privilege, but I'd be happy to hear you out before I  
24 elect further.

25 MS. BRADY: Sure. We can continue the Rule

1 37.2 discussions at a later time after I've had a  
2 chance to compile some case law. I'll just say for  
3 the record right now that, it's our position that  
4 courts will find that the work product protection in  
5 the case of prosecutors is -- we've litigated in  
6 several of these cases against the city, does not  
7 apply when there's an overwhelming need for the  
8 information and whether or not it was -- depending  
9 on which privileges you're invoking. So, I will just  
10 say that, I believe, that we have a good faith  
11 argument the work product protection might not apply  
12 here, and that we can continue these conversations  
13 at a later time.

14 MR. COYNE: Well, let me respond to that. If  
15 you're talking about the potential of  
16 inconveniencing this witness by bringing him back,  
17 then, I think, we do have to have the conversation.  
18 Because what I initially heard you say was you were  
19 referring to practices, and therefore, the attorney  
20 work product privilege did not apply. Now, what you  
21 just said is, it does apply, and therefore, you're  
22 referring to something other than practices. But  
23 the judge is going to hold that you have an  
24 overwhelming need. So, let me just make sure I  
25 understand. Are you saying the attorney work

1 product privilege does apply in this case, but  
2 there's an overwhelming need for the information,  
3 and therefore, it should be overruled? Or are you  
4 saying that you're asking about practices, and  
5 therefore you're not invoking the attorney work  
6 product privilege?

7 MS. BRADY: As to my questions about practice,  
8 I'm saying, work product protection doesn't apply.  
9 As for my question about how his practices -- what  
10 we can infer based on information that he doesn't  
11 remember, documentary information presented in this  
12 report, and what he knows about his practices, I'm  
13 saying that the work product protection doesn't  
14 apply because we're not asking about specific  
15 decisions that he made in this case. He doesn't  
16 remember them. He's already testified about that.  
17 So any questions about practice as applied to a  
18 hypothetical set of facts are not covered. I'm also  
19 saying that even if they are covered, we would have  
20 a right to the information anyway.

21 MR. COYNE: Sure. Well, in that case, in order  
22 to avoid -- first of all, I asked him if he knew the  
23 answer to the question and he said yes, first of  
24 all. So when you say he didn't know the answer to  
25 the question, I disagree. Number two, I'm going to

1 suggest, because my goal, I represent this witness,  
2 I don't want him to be inconvenienced. I'm going to  
3 invite you to call the judge. We can agree to  
4 disagree, and then we can have the judge make the  
5 call right now, in order to avoid the possibility  
6 even of this witness having to be inconvenienced and  
7 take further time off work to come back.

8 THE WITNESS: I'm sorry, John?

9 MR. COYNE: Go ahead, Mike.

10 THE WITNESS: If I have an opportunity, can I  
11 have an opportunity to speak to you and maybe --

12 MR. COYNE: Yeah, let's do this. Yeah. Rachel,  
13 we might be able to solve this problem. Give us  
14 five minutes. We'll address it. And we might be  
15 able to head off this dispute after a brief  
16 conference with the client.

17 MS. BRADY: Sounds good. Let's go off the  
18 record.

19 MR. COYNE: Okay. Five minutes.

20 (OFF THE RECORD)

21 COURT REPORTER: We're on the record.

22 MR. COYNE: With regard to the issue of  
23 attorney work product privilege, we went off the  
24 record briefly to allow me as counsel for the  
25 witness to look into that matter. And having looked

1 into it further, I think we're okay. I asked that  
2 the witness be permitted to hear the question again,  
3 and then, we can proceed from there.

4 COURT REPORTER: Okay. Just give me one minute  
5 to find the question, because there's a lot of  
6 talking before. Okay.

7 (REPORTER PLAYS BACK REQUESTED TESTIMONY)

8 A No.

9 MR. COYNE: Sorry? What was the last word?

10 COURT REPORTER: Have done already.

11 MR. COYNE: No. I thought I heard another word  
12 there. Anyway, I would renew earlier objections.  
13 I'll let the witness answer the question.

14 A The answer is no.

15 BY MS. BRADY:

16 Q Okay.

17 A The fact that I asked to speak to two more  
18 witnesses doesn't give me any inference from the value  
19 of the evidence, which I had already reviewed.

20 Q As a matter of practice, if you would have  
21 thought that the evidence presented at the time you  
22 requested that the two additional witnesses come in was  
23 sufficient to approve charges, would you have approved  
24 them at that time?

25 A I can't answer that because the two witnesses

1 did come in and I did interview them as a matter of my  
2 personal practice.

3 Q Sure. My question isn't whether you  
4 ultimately approved charges after hearing the additional  
5 evidence. My question is: As a matter of your own  
6 practice in deciding whether to approve charges, if the  
7 evidence available up until the point at which you  
8 requested additional evidence was sufficient, would you  
9 have approved charges at that time?

10 A I cannot answer. I don't have any specific  
11 recollection about this case, what my thinking was, and  
12 why I did what I did, but I can say this. It is my  
13 practice in every single case, is to interview all of  
14 the witnesses that were identified, if that was  
15 possible. Sometimes, it wasn't possible. But the  
16 extent that it was possible, it was my personal practice  
17 to interview every witness which was identified in  
18 police reports.

19 Q Okay. So speaking now about your practices,  
20 and we talked about this a little bit earlier, I'll take  
21 this down for now. You said that your decision to  
22 approve charges or ask investigators to do more  
23 investigating or deny charges that right, kind of depend  
24 on the, of that was available; is that right?

25 A Yes.



1 Q And it was case specific; is that right?

2 A Yes.

3 Q Was it your practice to approve charges if you  
4 felt that the evidence that was presented to you was  
5 sufficient to charge?

6 A In murder cases, I had to have the approval of  
7 the felony trial supervisor, at least. And maybe even  
8 higher than that, but yes, of course, I always look for  
9 sufficient evidence in order to approve charges.

10 Q And -- okay. So I have a couple questions  
11 about that. Was it the case when you were in felony  
12 review that you needed approval to approve charges for  
13 all homicides?

14 A My recollection is yes.

15 Q Okay. Putting Exhibit 4 back up, can you see  
16 this on your screen?

17 A I can.

18 Q This bottom paragraph says A.S.A. Latz after  
19 having reviewed all the facts and circumstances of this  
20 investigation approved charging Geraldo Iglesias with  
21 first degree murder. Do you see that?

22 A I do.

23 Q Okay. Does this give you any information  
24 about whether you needed approval from your supervisor  
25 to decide on approving charges?

1 A It does not.

2 Q So the fact that it says you approved the  
3 charging decision, maybe doesn't mean that you were the  
4 one who approved it?

5 A I probably needed approval to do the approval.

6 Q Okay. So how would you have gone about  
7 getting the approval to do the approval?

8 A In this case or during that time?

9 Q During that time, generally.

10 A There was a -- I would page -- have my felony  
11 trial supervisor paged. This is a time before cell  
12 phones and I'd have them paged with a request to call me  
13 at Area Five. And over the phone, I would summarize the  
14 evidence, summarize what we've done so far, and I would  
15 get oral approval in order for the approval for the  
16 approval or instructions to deny the felony approval or  
17 instructions to do a continuing investigation.

18 Q All right. And would those discussions be  
19 memorialized anywhere?

20 A Not by me.

21 Q Okay. So here where it says A.S.A. Latz  
22 requested that the two other persons come in and view  
23 lineups, do we have any way of knowing whether your  
24 supervisor told you to do that, or you just decided on  
25 your own?

1 A I do not.

2 Q Was it your practice to contact -- oh, strike  
3 that. It was your practice or a job requirement, maybe  
4 for you to get approval for approving all homicide  
5 charges; is that right?

6 A That's my recollection. Yes.

7 Q Okay. And so if you thought there was  
8 sufficient evidence to charge, you would contact your  
9 supervisor, and they would give you approval or reject  
10 your determination, and say you needed more information;  
11 is that right?

12 A That's my recollection.

13 Q And you don't remember who that supervisor was  
14 in this case, right?

15 A I have no independent recollection of that.

16 Q You said your supervisors in '93 were David  
17 Studenroth and --

18 MR. COYNE: Frank Difranto.

19 Q Yes. Frank Difranto; is that right?

20 A That's what I said. Yes.

21 Q Okay. So you would've called one of those two  
22 people to discuss approving charges at least once, but  
23 possibly twice.

24 A That's correct. Let me just clarify. I  
25 would've called felony review and had the felony review

1 paged, then both of them and have one of them call  
2 probably back in Area Five. That's the way that  
3 would've worked.

4 Q Okay. And there's no way we can tell from  
5 looking at your felony review notes, who you called or  
6 what they said; is that right?

7 A Give me a minute just to look. I didn't see  
8 any name memorialized on here. So no, it doesn't state  
9 who gave me approval for the approval.

10 Q Okay. So it's possible, looking at this  
11 report, assuming the information in the report is  
12 accurate about what information was presented to you and  
13 what you knew. That, at this point, before you  
14 requested that Torres and Chmielewski come in and view  
15 lineups, either you had concluded that there was not  
16 sufficient evidence to charge yet, or you thought there  
17 was sufficient evidence to charge, but your supervisor  
18 said you needed more information before you could  
19 approve charges; is that right?

20 A I can't make -- I can't make those  
21 assumptions. I don't -- I don't have any recollection  
22 of that, and it could have happened a number of  
23 different ways.

24 Q Okay. So what are the other ways that it  
25 could have happened beyond the two options that I just

1 described?

2 A I think that -- what are the two options you  
3 described?

4 Q So at this point here in between, when you  
5 spoke with the five people, and when you requested that  
6 two more people come in and get view lineups, either you  
7 concluded that there wasn't sufficient evidence to  
8 charge and wanted more information, or you thought there  
9 was sufficient evidence to charge and you called your  
10 supervisor and your supervisor said, no, you can't  
11 approve charges yet. The cops need more information.

12 A I just can't swear that it happened that way.  
13 I don't have any independent recollection. You know, I,  
14 I don't know whether this is a chronology. I don't  
15 think it is a chronology. So say at this point, you  
16 know, I may have asked if -- to speak to the witnesses  
17 before, you know, before this -- this other thing  
18 happened. I -- I just can't trust this chronology. I  
19 do know that I would've had to have called my felony  
20 trial supervisor for approval. That's as much as I  
21 could say.

22 Q Okay. So assuming this is a chronology,  
23 because here we have June 24th said, 0030 hours, and  
24 then, June 24th at 0125 hours, and then, June 24th at  
25 0140 hours, assuming this is a chronology and that this

1 is the point at which you said, "Go out and get these  
2 two more witnesses to look at a lineup." Can you think  
3 of any other way that it might have happened, that you  
4 decided that the cops needed more information other than  
5 you decided there wasn't sufficient evidence to charge,  
6 or your supervisor told you there wasn't sufficient  
7 evidence to charge?

8 A Yes. The -- the personal practice was to  
9 speak to every witness who was identified. And so  
10 that's -- that's something that, you know, I would've  
11 done in every, every case where I could get the  
12 witnesses in.

13 Q Okay. Are there any other ways that this  
14 might have gone down other than the three options that  
15 we've discussed, which is, you said there wasn't enough  
16 information to charge, your supervisor said there wasn't  
17 enough information to charge, or you decided  
18 independently that you just wanted to speak with  
19 everyone before deciding whether to charge.

20 A I don't -- I don't agree with that  
21 characterization at all. I can't agree with that.

22 Q What was wrong about it?

23 A Well, I don't know. Let me just add --

24 MR. COYNE: Aside from my continuing line of  
25 objectives, let me just add that Mr. Latz's earlier

1 testimony, but go ahead Mike. Sorry To interrupt.

2 A I don't have an independent recollection of  
3 the chronology, and how things occurred, and in what  
4 order. Okay. But I do know that in every case I go  
5 into -- every case I went into at that time, I wanted to  
6 speak to every witness who's identified. Okay. And if  
7 there were multiple eyewitnesses identified, you know,  
8 the -- that -- I wanted to see what they, you know, had  
9 to say regarding the -- a line up. It was just -- it  
10 was just customary for me to find out what every witness  
11 had to say. Okay. So I don't think the fact that I did  
12 that, I don't think it is any reflection on what I was  
13 thinking at the time or what the -- what our thinking  
14 was with regard to the quality of the evidence at the  
15 time. Because that was something that we did in every  
16 case tried to speak to every witness.

17 BY MS. BRADY:

18 Q Okay. So you wanted to speak to every witness  
19 who was available no matter what?

20 A Well, not no matter what. Every witness that  
21 I could was reasonable and practical to do. So some  
22 witnesses don't cooperate.

23 Q Okay. So if it was reasonable and practical  
24 for you to speak to all of the witnesses in this case,  
25 you would have wanted to speak to them?



1 A Yes.

2 Q Before making a decision about approving  
3 charges.

4 A Yes.

5 Q And that was your practice, regardless of what  
6 you thought about the value of the evidence that had  
7 been amassed at any point before you were done speaking  
8 with everyone; is that right?

9 A Well, I - I -- that's not exactly how I would  
10 say it. Okay. So if I was going to deny a case right  
11 off the bat, you know, I wouldn't have to speak to every  
12 witness.

13 Q Why is that?

14 A Because the case wasn't being approved, it was  
15 being denied.

16 Q Why would you not want to speak to everyone to  
17 get all the information before deciding whether to deny?

18 A Well, I can't think of a specific case when I  
19 did.

20 Q Okay. So you wanted to speak to every witness  
21 no matter what when it was practical to do so,  
22 regardless of what your opinions were about the evidence  
23 that had been generated up to the point where you had  
24 spoken with everyone?

25 MR. COYNE: Objection. Mischaracterizes his

1 earlier testimony. Go ahead. Can answer if you  
2 can, Mike.

3 A Oh, what's the question again, please.

4 BY MS. BRADY:

5 Q You wanted to speak to every witness who was  
6 available and willing to speak to you, regardless of  
7 what your opinions were about the evidence that was  
8 available until the point when you decided to approve  
9 charges?

10 MR. COYNE: Same objection.

11 A Rachel. And my recollection, in every case,  
12 as much as practical, I wanted to interview every  
13 witness who was identified.

14 Q All right. Taking a look at this police  
15 report again, I'm on page 4 of the report, which is RFC  
16 Iglesias 93. Can you see this?

17 A I can.

18 Q Okay. It says here that this person Hugo  
19 Rodriguez came in and viewed a lineup. Do you have any  
20 way of telling whether you watched this lineup occur?

21 A I do not.

22 MR. COYNE: What page is that Rachel? I'm  
23 sorry. I just want to get on that page.

24 MS. BRADY: This is the fourth page of this  
25 subpage 93, RFC Iglesias 93.

1 MR. COYNE: Thank you.

2 BY MS. BRADY:

3 Q Was it your practice to watch lineup  
4 procedures as they were taking in place?

5 A It -- it was not my practice, too. I don't  
6 know whether I viewed this lineup or not. I know there  
7 were times when I did. I did view lineups, but I don't  
8 know whether I viewed this lineup or not.

9 Q Was there anything that dictated, whether you  
10 would want to watch a live lineup as a matter of  
11 practice?

12 A As a matter of practice, no.

13 Q Was it your practice to watch detectives  
14 perform photo array procedures, or other photo  
15 identification procedures?

16 A It was not my practice. I know there were  
17 occasions when I was present when a photo array was --  
18 was viewed but it was not my practice to participate in  
19 that.

20 Q And do you have any reason to think that the  
21 Iglesias' case that we're talking about today was one of  
22 those instances in which you watched the lineup occur?

23 A I have no way to know one way or the other.

24 Q Do you have any reason to think that the  
25 Iglesias' case was one in which you watched a photo

1 identification person?

2 A No.

3 Q Am I correct in understanding that it would  
4 not have been your practice to watch the live lineups  
5 that were performed while you were at Area Five in the  
6 Iglesias' case?

7 MR. COYNE: Objection. Mischaracterizes his  
8 prior testimony. Go ahead.

9 A It was not my practice, too, although there  
10 may have been some occasions when I did.

11 Q And if you would have made any promises or  
12 offers to any of the witnesses that you interviewed here  
13 at the station on June 24, 1993, would you have  
14 memorialized that information somewhere? Actually  
15 strike that. Do you recall making any offers or  
16 promises to any of the witnesses that we've discussed  
17 here in exchange for information?

18 A I do not.

19 Q Would it have been your practice to do so?

20 A No. Absolutely not.

21 Q Okay. Can you say with confidence that you  
22 did not make any promises or offers to any of these  
23 witnesses in exchange for information?

24 A Yes.

25 Q All right. And you told me earlier that it

1 was -- strike that. You told me earlier that in felony  
2 review -- oh, do you need to take a break?

3 THE WITNESS: Can I take a break? Someone just  
4 come to my back door. Just for a second.

5 MS. BRADY: Yeah. Sure. Yep. Let's go off  
6 the record.

7 (OFF THE RECORD)

8 BY MS. BRADY:

9 Q You told me earlier that when you were in  
10 felony review, your participation in a particular case  
11 ended as soon as charges were approved or not approved;  
12 is that correct?

13 A That is correct.

14 Q Do you have any reason to think that you  
15 continue to participate in the Iglesias' investigation  
16 after you approved charges on June 24, 1993?

17 A I have no recollection of ever hearing about  
18 the case again or participating in any way after June  
19 24, 1993.

20 Q Do you have a reason to think that you did  
21 continue to participate in the case after June 24, 1993?

22 A No.

23 Q I have some questions now about your awareness  
24 of particular misconduct in the Iglesias' case that Mr.  
25 Iglesias alleges occurred. It's going to be a bit of a

1 slog, but I got to ask those so please just bear with  
2 me. Were you aware at any point during the prosecution  
3 of Geraldo Iglesias, that any member of the Chicago  
4 Police Department engaged in misconduct involving  
5 witness coercion?

6 A No.

7 Q Suggestive identification procedures?

8 A No.

9 Q Promises made to witnesses?

10 A No.

11 Q Threats made against witnesses?

12 A No.

13 Q Deals on criminal cases offered to witnesses?

14 A No.

15 Q Whether witnesses were fed facts, that would  
16 cause them to implicate Geraldo Iglesias?

17 A No.

18 Q Police reports that were not disclosed?

19 A No.

20 Q False facts that were included in police  
21 reports?

22 A No.

23 Q Fabrication of any evidence?

24 A No.

25 Q Concealing of any exculpatory evidence?

1 A No.

2 Q If you had been aware of any of those types of  
3 misconduct that we just discussed, would you have turned  
4 that information over to a supervisor or to Mr.  
5 Iglesias' defense attorneys?

6 A I would've reported it.

7 Q Where would you have reported it?

8 A Up my chain of command.

9 Q Would that have been one of the supervisors  
10 that we've discussed earlier?

11 A It would've been through -- through felony  
12 review.

13 Q And would you also have been memorialized it  
14 somewhere?

15 A It depends.

16 Q What does it depend on?

17 A I don't know. Depends on the situation.

18 Q So you think there's a situation in which you  
19 would've learned about unconstitutional conduct  
20 committed by police officers and you would not have  
21 documented it somewhere?

22 A No. That's not what I said. That's not what  
23 I said at all.

24 Q So it -- oh, go ahead.

25 A You're asking me to speculate because I never



1 saw any such conduct. Okay. You're asking me to  
2 speculate what I would've done if I had seen such  
3 conduct, but I don't recall ever seeing such conduct.

4 Q Okay. As you sit here today, do you have any  
5 independent recollection of the evidence that formed the  
6 basis on which you approved charges in the Iglesias'  
7 case?

8 A Independent recollection, no.

9 Q Can you figure out the answer to that question  
10 based on a review of your felony review jacket?

11 MR. COYNE: Objection. Form, calls for  
12 speculation.

13 A Are you asking me if I could draw some  
14 inferences from the material on the review folder?

15 Q Yes.

16 A I could draw some inferences.

17 Q Okay. Let's take a look. Do you have a hard  
18 copy of this?

19 A No.

20 Q Okay. So I will flip through and just let me  
21 know when you're ready for me to change pages. And to  
22 clarify, my question is whether you can infer based on -  
23 - or what you can infer based on the information in this  
24 felony review folder about the evidence that caused you  
25 to approve charges?

1 MR. COYNE: Rachel, just let me ask you just so  
2 we can head off the obvious dispute or potential  
3 dispute. You intend on asking him why as an  
4 attorney, working as a prosecutor in the felony  
5 review division, why he approved charges? Are you -  
6 - do you intend to go beyond what is written on the  
7 felony review folder?

8 MS. BRADY: Only if he has an independent  
9 recollection of something that's not on the folder.

10 MR. COYNE: Okay. We can take it as needed.

11 BY MS. BRADY:

12 Q Okay. All right. So do you see thing on page  
13 471 that allows you to infer about the evidence that  
14 gave you reason to approve charges?

15 A No.

16 Q What about page 472?

17 A Do I see -- your question, do I see anything  
18 that that supports my approval of charges? Is that's  
19 what your question is?

20 Q Sort of. So I asked you if you knew what  
21 evidence supported charges, and you said you might be  
22 able to infer from your felony review folder. So I'm  
23 asking you to take a look at your felony review folder  
24 and draw that inference.

25 A I don't have any independent recollection.

1 It's just from the felony review folder.

2 Q Okay.

3 A The answer would be two eyewitnesses  
4 identified the defendant.

5 Q Anything else?

6 A Not that I could see.

7 Q So the two eyewitnesses were Rosendo Ochoa and  
8 Hugo Rodriguez. I'll just represent that to you. If  
9 you would have known that either of those witness did  
10 not actually have an opportunity to see the shooter,  
11 would that have undermined your decision to approve  
12 charges?

13 MR. COYNE: Objection to form. Let me object.  
14 Let me -- Rachel, just so we can -- we don't have to  
15 get into the same discourse. Let me have a quick  
16 conversation off the record with the witness,  
17 please.

18 MS. BRADY: Sure. Can I tell you about this  
19 line of questions?

20 MR. COYNE: Sure. You can go ahead.

21 MS. BRADY: So that you will have all of the  
22 information. So I'm going to ask seven, maybe eight  
23 questions and they're all to the effect of, if you  
24 would've known that X was true, would that have  
25 impacted your decision to approve charges?

1 MR. COYNE: Sure. So yeah. You intend on  
2 asking him if X were the case?

3 MS. BRADY: Yes.

4 MR. COYNE: Would you have approved or not  
5 approved?

6 MS. BRADY: Yes.

7 MR. COYNE: And your position is that, I  
8 assume, you agree that that's at least seems pretty  
9 clearly the work product, but it's your position.  
10 The 7th Circuit case law dictates in this case.  
11 Your belief is that your compelling need as  
12 plaintiff's counsel for the answer to that question  
13 will override the work product privilege.

14 MS. BRADY: Our position is -- oh yeah.  
15 My position is also that it's not necessarily work  
16 product because these are hypotheticals given that  
17 he doesn't remember what we're asking.

18 MR. COYNE: I got you.

19 MS. BRADY: Yep.

20 MR. COYNE: I got you. Okay. Fair enough.  
21 I understand. Give me one minute. We'll be right  
22 back on. Mike, I'm going to call you.

23 (OFF THE RECORD)

24 COURT REPORTER: Okay. We're back on the  
25 record.

1 MR. COYNE: All right. Just for the record, we  
2 had the colloquy about questions, which may invoke  
3 the attorney work product privilege, which  
4 obviously, the goal is to allow the deposition to go  
5 continue seamlessly, and at the same time, protect  
6 the witness's interest in any privileges which may  
7 apply. Off the record, I had a chance to discuss  
8 this issue with the witness and application of the  
9 privilege, and we'll go ahead and allow him to  
10 proceed. Thank you. Of course, renewing the  
11 attorney, the continuing line of objections we have  
12 as to form and foundation for the reasons previously  
13 stated. Thank you.

14 BY MS. BRADY:

15 Q I think there's a question pending. Can the  
16 court reporter please read it back?

17 COURT REPORTER: Yes.

18 Q Or play it back?

19 (REPORTER PLAYS BACK REQUESTED TESTIMONY)

20 COURT REPORTER: Did you guys hear that?

21 MR. RAHE: I didn't hear the end. I heard,  
22 "undermined" was the last word.

23 COURT REPORTER: Okay. My computer froze  
24 during that, so I'll play it again.

25 (REPORTER PLAYS BACK REQUESTED TESTIMONY)

1 BY MS. BRADY:

2 Q Did you hear the question, Mr. Latz?

3 A I did. It's a hypothetical question and it's  
4 one I can't answer without all the context. You know,  
5 why is it they couldn't view the shooter. It just calls  
6 for speculation.

7 Q Does it matter why the witnesses couldn't see  
8 the shooter if they couldn't see the shooter, but made  
9 identifications of the shooter anyway?

10 A Is that a question?

11 Q Yeah.

12 A Oh, what's the question?

13 Q Does it matter why the witnesses couldn't see  
14 the shooter if they said they couldn't see the shooter  
15 and yet made an identification anyway?

16 A I don't know. It could.

17 Q Why would it matter why a witness couldn't see  
18 a shooter?

19 A I don't know. It's just a -- it's a game of  
20 hypothesis and speculation.

21 Q Are you saying that there are instances in  
22 which a witness could have not seen a person commit a  
23 crime-

24 A I'm not saying that.

25 Q -- and you would have relied on that witness'

1 eyewitness identification anyway?

2 A I'm not saying that.

3 Q Okay. If you would have known that Guevara  
4 and Halvorsen suggested to either Ochoa or Rodriguez who  
5 to pick out of the lineup, would that have undermined  
6 your decision to approve charges?

7 MR. COYNE: Before you answer, Mike, let me  
8 just interpose a separate and distinct line of  
9 objection in addition to the earlier. He's answered  
10 that he cannot answer a hypothetical question. He  
11 didn't say that he wouldn't. He said he can't  
12 answer a hypothetical question. So in light of  
13 that, Rachel, will you accept that additional basis  
14 for objection as continuing in order to avoid  
15 interruption?

16 MS. BRADY: Sure.

17 MR. COYNE: Thank you. Okay. Go ahead, Mike.

18 A I can't answer hypothetical. If then, what --  
19 I can't, with all honesty.

20 BY MS. BRADY:

21 Q Okay. So if you would have known that one of  
22 the detectives in this case suggested to a witness who  
23 the witness should identify, are you saying that that  
24 would not have undermined your decision to approve  
25 charges, that you might have approved charges anyway,



1 knowing that the detectives had performed suggestive  
2 identification procedures?

3 A If I believed that, it's called for  
4 hypothetical, but if I believed that, I'm sure it  
5 would've affected my decision.

6 Q If you would have known that there was an  
7 undisclosed witness who knew who the shooter was and  
8 detectives withheld information about that witness,  
9 would you have wanted to interview that witness, as  
10 well, pursuant to your practice of wanting to interview  
11 all witnesses?

12 A Again, you're asking a hypothetical, which  
13 isn't complete, but as I said earlier, I would want to  
14 interview every witness they identified.

15 Q And if you learned that Guevara was  
16 translating, for you, conversations with witnesses  
17 incorrectly, would that have undermined your decision to  
18 approve charges?

19 A If I learned that, it would.

20 Q And if you'd known that either of the two  
21 eyewitnesses, Ochoa, or Rodriguez, were made promises by  
22 detectives in exchange for their identifications, would  
23 that have undermined your decision to approve charges?

24 A It depends on the exact promises -- the exact  
25 things said.

1 Q Okay.

2 MR. COYNE: I'm sorry. I didn't hear his  
3 answer to the previous question. Rachel, maybe you  
4 did, or somebody did. I think, it got cut off. If  
5 you had known about a witness, not the translation  
6 one, the one before that. An undisclosed witness  
7 who actually knew who the shooter was. I didn't  
8 hear his answer to that question.

9 MS. BRADY: Can the court reporter read back  
10 the answer?

11 MR. COYNE: Yeah, please.

12 COURT REPORTER: I actually didn't get an  
13 answer to that question. I think he coughed over  
14 it.

15 BY MS. BRADY:

16 Q Oh, okay. So I'll ask it again. Mr. Latz, if  
17 you'd known that there was a witness who knew who the  
18 shooter was and detectives withheld information about  
19 that witness, would you have wanted to speak with that  
20 witness, pursuant to your policy of wanting to speak  
21 with all witnesses?

22 A As I stated before, it was my policy to speak  
23 to all witnesses who are identified, so yes.

24 Q And then, I asked a question about, if you had  
25 known that the two eyewitnesses or either of the two

1 eyewitnesses were made undisclosed promises by  
2 detectives in exchange for their identifications.

3 A I think, I answered that one already, didn't  
4 I?

5 Q Yeah, and you said it depends on the promise.

6 A Yes.

7 Q What does it depend on?

8 A It depends on the promises, the things  
9 actually said.

10 Q What kinds of promises would be acceptable  
11 promises that wouldn't cause you to question their  
12 identifications?

13 A I don't know. I'd have to see what the actual  
14 promises were.

15 Q What if you'd known that either of the two  
16 eyewitnesses were promised leniency in criminal cases in  
17 exchange for their identifications of Mr. Iglesias,  
18 would that have undermined your decision to approve  
19 charges?

20 A Possibly. It would depend upon the actual  
21 words and circumstances.

22 Q So are you saying that there are circumstances  
23 under which detectives could have made promises to  
24 witnesses that they would be, or secure leniency in  
25 sentencing that they did not disclose to anyone?

1           A       I don't know. I'd have to know the actual  
2 terms, words, and circumstances.

3           Q       Are you aware of allegations of misconduct  
4 lodged against Reynaldo Guevara by dozens of people who  
5 are claiming that their convictions were wrongful?

6           A       I'm only generally aware of that, where that  
7 this case exists, but I'm not aware of any specific  
8 instances.

9           Q       Are you aware that Geraldo Iglesias is one of  
10 19 men who've been exonerated after being convicted on  
11 murder charges resulting from misconduct committed by  
12 Guevara?

13          A       No.

14               MR. COYNE: And by the way, Mike, you can  
15 answer these questions in so far as they do not  
16 require you to disclose information you received  
17 from your attorney pursuant to confidential  
18 communications to the extent that you can answer  
19 those questions without disclosing those. Go ahead.

20               MS. MCGRATH: Object to the form of the  
21 previous question.

22 BY MS. BRADY:

23          Q       You can answer.

24          A       No.

25          Q       You said you were generally aware of

1 allegations of misconduct against Reynaldo Guevara?

2 A Yes.

3 Q Do any of those or the sum total of those  
4 allegations cause you to question the integrity of  
5 Reynaldo Guevara's work at the Chicago Police  
6 Department?

7 A I haven't made any conclusion.

8 Q Did you have any knowledge of or involvement  
9 in her Geraldo Iglesias' post-conviction proceedings?

10 A I did not.

11 Q Were you involved in any way in the decision  
12 not to recharge Geraldo Iglesias with the Roman murder?

13 A No.

14 Q I have a couple more questions that I have to  
15 ask. So sorry, I got to ask them. Did you conspire  
16 with any police officer in this case to deprive Geraldo  
17 Iglesias of his constitutional rights?

18 A No.

19 Q Did you withhold any exculpatory evidence from  
20 Geraldo Iglesias?

21 A No.

22 Q Did anyone from the Chicago Police Department  
23 present to you any exculpatory evidence which you then  
24 withheld?

25 A I was not involved in the prosecution of this

1 case, so no.

2 Q Did you hear of any Chicago Police Department  
3 employee receiving exculpatory evidence and not  
4 disclosing it?

5 A No.

6 Q Has our discussion today or our review of  
7 documents refreshed your recollection about this case  
8 whatsoever?

9 A No.

10 MS. BRADY: Okay. I do not have any more of  
11 questions, so I will thank you for your time and  
12 turn it over to the other attorneys who might have  
13 some follow- ups for you.

14 MR. COYNE: Can we just take a quick five-  
15 minute break at this point, and then, come back?

16 MS. BRADY: Sure.

17 MR. RAHE: Sure.

18 COURT REPORTER: Okay. We're going off the  
19 record.

20 (OFF THE RECORD)

21 COURT REPORTER: We are back on the record.

22 CROSS EXAMINATION

23 BY MR. CHRISTIE:

24 Q All right. Good afternoon, Mr. Latz, my  
25 name's Todd Christie. I represent several of the

1 defendant officers in this case. I just have a few  
2 questions for you. I just want to circle back. When  
3 did you start on felony review for the Cook County  
4 State's Attorney's office?

5 A It was probably late '92 or early '93.

6 Q And you said you stayed on there for about a  
7 year?

8 A Yes.

9 Q So from '92 to about the end of '93?

10 A Approximately.

11 Q Okay. So you were there for about a year.  
12 Okay. When you were determining to approve charges on  
13 felony review was your main goal to assess whether there  
14 was enough evidence to bring a conviction?

15 MS. BRADY: Objection. Leading.

16 A I don't know if that was the standard. The  
17 standard was, I think, a reasonably likelihood of a  
18 conviction, but make sure all the elements of a crime --  
19 there was evidence to support all the elements of the  
20 charge.

21 Q But you're looking for something more than  
22 just probable cause?

23 A Yes.

24 Q And in your general practice, when you were  
25 brought into the police station to look over charges,



1 would you review the investigative file or police  
2 reports?

3 A I would review everything that which was given  
4 to me by the detectives, which generally included an  
5 arrest report, supplementary reports.

6 Q Photographs?

7 A Sometimes.

8 Q Medical examiners reports, if available?

9 A If available.

10 Q So you'd review as much evidence that was  
11 brought to you as possible?

12 A Exactly.

13 Q And then, you'd also as you said earlier, you  
14 like to interview witnesses.

15 A Yes.

16 Q And you'd interview as many witnesses as you  
17 possibly could that were reasonable and practical to  
18 bring in?

19 A Yes.

20 Q And as you brought up the felony review  
21 folder, you reviewed -- or you interviewed several  
22 witnesses in this case?

23 A Yes.

24 Q Okay.

25 MS. BRADY: Objection. Form.

1 Q And when you interview witnesses on felony  
2 review, do you independently vet their credibility?

3 MR. RAHE: Objection. Form.

4 MS. BRADY: Objection. Form.

5 A You know, it's been 30 years. I think we  
6 naturally make an assessment credibility.

7 Q You have reviewed the testimony --

8 MR. RAHE: I'm sorry, I didn't catch that. I'm  
9 sorry, he cut out there. I didn't catch your -- the  
10 answer because it cut out on my end. It's been 30  
11 years, what?

12 A It's been 30 years and I have no specific  
13 recollection. Although, I think, it's natural to make  
14 an assessment of credibility.

15 MR. RAHE: Okay. Gotcha.

16 BY MR. CHRISTIE:

17 Q And when you're vetting those witnesses, do  
18 you determine if police had ever coerced them to say  
19 anything to you?

20 MS. BRADY: Objection. Form. Also,  
21 foundation.

22 MR. RAHE: Join.

23 A No. I do not.

24 BY MR. CHRISTIE:

25 Q In this case, you don't recall observing any

1 police officers coerce a witness to say something to  
2 you?

3 A I do not recall that.

4 Q And if you did observe police officers  
5 coercing a witness to say something, you would've  
6 reported that?

7 A Yes.

8 Q If you observed any police officers making  
9 suggestive identifications to a witness to identify a  
10 suspect, you would report that?

11 A Yes.

12 Q And you don't recall doing that in this case?

13 A I don't recall seeing any instance of  
14 suggestive identification.

15 Q When you were determined whether to approve  
16 charges, did police officers have any influence over  
17 your decision making process?

18 MS. BRADY: Objection. Form, foundation.

19 A What do you mean by "any influence"?

20 Q Did you independently analyze and assess the  
21 facts?

22 A That determination is made independently of  
23 what the police department wants.

24 Q And when you approve charges, you have a good  
25 faith belief that there's enough evidence to bring

1 forward charges?

2 A Yes.

3 Q And in this case, there were charges approved  
4 by you?

5 A I have no independent recollection, but  
6 according to the felony review folder, yes.

7 MR. RITCHIE: Okay. I have no further  
8 questions. Thank you, Mr. Latz.

9 THE WITNESS: Thank you.

10 MR. COYNE: Anyone else?

11 MS. MCGRATH: I don't have any questions. Thank  
12 you, Mr. Latz.

13 THE WITNESS: Thank you.

14 MR. RAHE: One second. We can stay on the  
15 record. I just have a couple questions for you,  
16 Mr. Latz.

17 EXAMINATION

18 BY MR. RAHE:

19 Q My name's Austin Rahe. I represent the  
20 defendant, City of Chicago. Do you remember you talked  
21 a little about -- a bit earlier about these two  
22 witnesses, Efrain Torres and David Chmielewski?

23 A I do.

24 Q And those were the witnesses that you wanted  
25 to come back in to view to do an identification

1 procedure, a lineup, I think?

2 A According to the felony review folder, that's  
3 what it says.

4 Q Okay. And did you - well, did you see in any  
5 of those reports that David Chmielecki and Efrain Torres  
6 had previously said they were not able to see the  
7 shooter's face?

8 A I don't recall what the reports say.

9 Q Okay. So let's assume that previously, when  
10 Efrain Torres and David Chmielecki were  
11 interviewed by the police, they said that they were  
12 unable to identify, or unable to see the shooter's face,  
13 so, I guess, my question is: If they had previously  
14 said that and you knew about it, what would be the  
15 purpose of bringing them back into view a lineup?

16 MR. CHRISTIE: Objection. Form, foundation.

17 MS. BRADY: Join.

18 A If you're asking me to take an -- I don't have  
19 any independent recollection of why I did anything in  
20 this case. But if you're asking for an inference from  
21 the felony review folders, because -- my practice was to  
22 talk to every witness myself and not just rely upon what  
23 was in police reports.

24 Q Okay. So it would make sense for them to come  
25 in so you could talk to them just to ensure that they

1 didn't have any change of mind, or maybe they would  
2 remember something differently when they came in and  
3 talked to you?

4 MR. CHRISTIE: Same objection.

5 MS. BRADY: Objection. Same objection.

6 A Yeah. Just to establish whether they -- what  
7 they actually saw for myself.

8 Q Okay. And let's say they came in to talk to  
9 you and they told you, "We didn't see the shooter's  
10 face." They told you specifically, then, what would be  
11 the purpose of showing them a lineup?

12 MR. CHRISTIE: Same objections.

13 MS. BRADY: Join.

14 A To see whether they could make an  
15 identification of the suspect.

16 Q Even if they didn't see his face?

17 MR. CHRISTIE: Same objections.

18 MS. BRADY: Also, argumentative.

19 A Yes.

20 MR. RAHE: Okay. Thank you. That's all the  
21 questions I have. Anyone else?

22 REDIRECT EXAMINATION

23 BY MS. BRADY:

24 Q I have a brief follow-up. Mr. Latz, you  
25 mentioned that sometimes, when you interviewed witnesses

1 as a felony review prosecutor, you vetted them for  
2 credibility. Do you remember saying that just a couple  
3 minutes ago?

4 A No. I don't think I said that. I said --

5 MR. RAHE: I don't -- that wasn't his  
6 testimony, actually, but go ahead.

7 Q Okay. So can you tell me what you did while  
8 interviewing witnesses when you wanted to evaluate their  
9 credibility?

10 A I think, you misconstrued what I said. I  
11 said, naturally, you make a credibility assessment and  
12 just naturally, when you talk to anyone, you make a  
13 credibility assessment. And I can't tell you what I did  
14 because I have no specific recollection. I just know  
15 that whenever I speak to a witness in the capacity as a  
16 lawyer, I just have to make a subconscious assessment of  
17 credibility.

18 Q Okay. And did you memorialize witness  
19 statements in your felony review folder even though you  
20 were making credibility assessments about them?

21 MR. RAHE: Objection. Form.

22 A Please, I don't understand the question. Could  
23 you --

24 Q Sure.

25 A -- rephrase the question?



1 Q Yeah. You said it's natural to evaluate  
2 people's credibility just as an attorney, when you're  
3 talking to witnesses. Did you memorialize what  
4 witnesses told you irrespective of any determinations  
5 you made about their credibility?

6 A I -- in the felony review file folder that I  
7 have, you could see that there's three lines. We're  
8 giving the summary of what witnesses said. And in those  
9 three lines, I would summarize what they said. I don't  
10 think I made any judgment of credibility on any of the  
11 witnesses. I don't think I memorialized any assessment  
12 of credibility on any of those witnesses, but I don't  
13 have any independent knowledge or independent  
14 recollection.

15 Q Okay. And if you would have made any  
16 determinations that the witnesses were less than  
17 credible, you would have recorded their statements on  
18 those three lines anyway, right?

19 MR. RAHE: Form, foundation. Go ahead. Yeah.

20 A What? I'm sorry. What's the question again?  
21 Could you rephrase it because I would summarize their  
22 statement. In the three lines, I'm given to do that,  
23 okay? Are you asking me if I would make any credibility  
24 assessment?

25 Q No. I'm just asking you that, even if you did

1 make a credibility determination, would you have still  
2 summarized what the witness said anyway?

3 A I would probably summarize what the witness  
4 said. Yes.

5 MS. BRADY: Okay. I do not have any more  
6 questions, so I believe we're done.

7 MR. RAHE: I'm sorry. I just have one more.

8 MR. COYNE: Go ahead.

9 MR. RAHE: Sorry, John.

10 MR. COYNE: It's all right.

11 RE-EXAMINATION

12 BY MR. RAHE:

13 Q I'm going back to what I was just talking  
14 about a few minutes ago. Is the purpose of having  
15 witnesses that didn't see the shooter's face view a  
16 lineup to be thorough in the investigation of the facts  
17 before you potentially approve serious felony charges  
18 against a suspect?

19 MS. BRADY: I'm going to object to these  
20 questions on the ground that they're beyond the  
21 scope of my redirect, and also to that one on form  
22 and foundation.

23 MR. COYNE: Join on form and foundation. Go  
24 ahead, Mike, you can answer if you know.

25 A In this specific case, I don't have a

1 recollection of why we called those witnesses in other  
2 than I know it was a practice to speak to every witness  
3 that was identified in police reports, if possible.

4 BY MR. RAHE:

5 Q Right. I'm saying more generally, if you're -  
6 - I'm just trying to figure out what the purpose would  
7 be of having witnesses review a lineup when they said  
8 they didn't see the shooter's face, and I'm wondering if  
9 that purpose is to be as thorough as possible in your  
10 investigation before you approve the felony charges.

11 A I would agree with that. It's an effort to be  
12 thorough.

13 MR. RAHE: Great. Thank you. That's all  
14 the questions I have.

15 MR. COYNE: Okay, Mike, you have, unless  
16 Rachel, you have anything further based on that?

17 MS. BRADY: No. I'm done. Thank you,  
18 everyone.

19 MR. COYNE: Okay.

20 THE WITNESS: Thank you.

21 MR. COYNE: Mike, you have the right to review.  
22 As you know, in light of your practice, you have the  
23 right to review your transcript and you can't make  
24 any substantive changes, but to review the  
25 transcript prior to its being completed, you can

1 reserve that right or you can waive it, which do you  
2 so choose?

3 THE WITNESS: Reserve.

4 MR. COYNE: Okay. Reserve signature. Thank  
5 you, all.

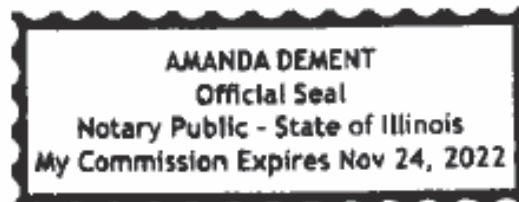
6 COURT REPORTER: Okay. Thank you. We're going  
7 off the record.

8 (DEPOSITION CONCLUDED AT 2:04 P.M.)  
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## 1 CERTIFICATE OF REPORTER

## 2 STATE OF ILLINOIS

3  
4 I do hereby certify that the witness in the foregoing  
5 transcript was taken on the date, and at the time and  
6 place set out on the Title page here of by me after  
7 first being duly sworn to testify the truth, the whole  
8 truth, and nothing but the truth; and that the said  
9 matter was recorded stenographically and mechanically  
10 by me and then reduced to typewritten form under my  
11 direction, and constitutes a true record of the  
12 transcript as taken, all to the best of my skill and  
13 ability. I certify that I am not a relative or  
14 employee of either counsel, and that I am in no way  
15 interested financially, directly or indirectly, in this  
16 action.



22  
23  
24  
25

The image shows a handwritten signature in cursive script that reads "Amanda Dement".

AMANDA DEMENT,

COURT REPORTER/NOTARY

COMMISSION EXPIRES: 11/24/2022

SUBMITTED ON: 01/25/2022

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19 CV 06508

## EXHIBIT 29

Identify and describe all property or possible evidence recovered at the end of the Narrative in column form. Show exactly where found, when found, who found it and its description (include Property Inventory numbers). If property taken was scribed for Operation Identification, indicate I.D. number at end of Narrative. Offender's approximate description, if possible, should include name if known, nickname, sex, race code, age, height, weight, color eyes & hair, complexion, scars, marks, etc. If suspect is arrested, give name, sex, race code, age, C.B. or I.R. number, if known, and state "In Custody."

**SUPPLEMENTARY REPORT****CHICAGO POLICE – FOR USE BY B.I.S. PERSONNEL ONLY**

All descriptions and statements in this entire report are approximations or summarizations unless indicated otherwise.

4. DATE OF ORIG. OCCURRENCE—TIME  
\* DAY MO. YR.

07 Jun 93 1556

1. OFFENSE/CLASSIFICATION LAST PREVIOUS REPORT

**HOMICIDE/Murder 1st Degree**

1-UCR OFF. CODE

**0110**

2. ADDRESS OF ORIG. INCIDENT/OFFENSE

**2148 N. Sawyer**

\* VERIFIED

2 CORRECTED

3. BEAT OF OCCUR.

**1414**

5. VICTIM'S NAME AS SHOWN ON CASE REPORT

**ROMAN, Monica**

CORRECT

☒ YES ☐ NO

IF NO, CORRECT ALL VICTIM INFORMATION IN BOXES 20 THROUGH 27.

6. FIRE RELATED

☐ YES ☒ NO

7. BEAT ASSIGNED

**5535**

8. TYPE OF LOCATION OR PREMISE WHERE INCIDENT/OFFENSE OCCURRED

**street**

LOCATION CODE

**304**

9. NO. OF VICTIMS

**1**

10. NO. OF OFFENDERS

**1**

CIRCUMSTANCES

11. \* VERIFIED

☒ UPDATE TO

12. OBJECT/WEAPON

CODE NOS.

13. FIREARM FEATURES

CODE NOS.

14. POINT/ENTRY

CODE NOS.

15. POINT/EXIT

CODE NOS.

16. BURGLAR ALARM

CODE NOS.

17. SAFE BURGLARY METHOD

CODE NOS.

18. IF RESIDENCE WHERE WERE OCCUR.

CODE NOS.

19. PROPERTY

☐ VERIFIED☐ UPDATE TO

20. NAME (LAST-FIRST-M.I.)

21. I-UCR OFFENSE CODE

22. HOME ADDRESS (NO., DIR., STREET, APT. NO.)

23. SEX-RACE-AGE CODE

24. HOME PHONE

25. BUSINESS PHONE

26. INJURED YES NO

27. VICTIM REL. CODE

28. OFFENDER'S NAME (OR DESCRIBE CLOTHING, ETC.)

29. HOME ADDRESS

30. SEX-RACE-AGE CODE

HEIGHT

WEIGHT

EYES

HAIR

COMPL.

31. C.B. NO.

I.R. NO., Y.D. NO., OR J.D.A. NO.

OFFENDER REL. CODE

C.B. NO.

I.R. NO., Y.D. NO., OR J.D.A. NO.

OFFENDER REL. CODE

32. NO. ARRESTED UNIT NO.

33. OFF'S VEHICLE

YEAR

MAKE

BODY STYLE

COLOR

V.I.N.

STATE LICENSE NO.

STATE

☐ USED ☐ STOLEN

34. SERIAL NOS. OR IDENTIFICATION NOS.

☒ DNA ☐ 2 VERIFIED ☐ 3 CORRECTED

LIST ALL CORRECTIONS &amp; NEW OR ADDITIONAL NOS. OBTAINED IN NARRATIVE

50. OFFENSE/CLASS. THIS DATE (IF SAME ENTER DNA)

REV. CODE

51. METHOD CODE

52. METHOD ASSIGNED

UNIT NO.

53. STATUS

☒ FIELD ☐ 3 SUMMARY

652

☒ PROGRESS ☐ 1 SUSPENDED ☐ 2 UNFOUNDED

STATUS CONT'D.

☐ 3 CLRD. CLOSED ☐ 4 CLRD. OPEN

5 EXC. CLRD. CLOSED

6 EXC. CLRD. OPEN

7 CLSD. NON-CRIM.

54. IF CASE CLEARED, HOW CLEARED

☐ 1 ARREST & PROSEC. ☐ 2 DIRECTED TO JUV. CRT. ☐ 3 COMPL. RFUSD. TO PROSECUTE ☐ 4 COMMUNITY ADJUSTMENT ☐ 5 OTHER EXCEPT. ☐ ADULT ☐ JUV.55. ☐ FOR SUMMARY CASES ONLY – THE ORIGINAL CASE REPORT IS SUBSTANTIALLY CORRECT, AND CONTACT WITH THE VICTIM HAS DISCLOSED NO ADDITIONAL PERTINENT INFORMATION.

80. NARRATIVE

**This is an Area Five Violent Crimes Unit Report.**

Continued on page two.

**DATA ENTERED  
ID AREA 5**

90. EXTRA COPIES REQUIRED (NO. &amp; RECIPIENT)

**NORMAL**

91. DATE THIS REPORT SUBMITTED –

\* DAY MO. YR.

**23 Jun 93**

TIME

**2100**

92. SUPERVISOR APPROVING (PRINT NAME)

**BIEBEL**

STAR NO.

**1545**

93. REPORTING OFFICER (PRINT NAME)

**DET. A. RICCIO**

STAR NO.

**20870**

94. REPORTING OFFICER (PRINT NAME)

**DET. E. Halvorsen**

STAR NO.

**#20692**

SIGNATURE

**Biebel**

95. DATE APPROVED (DAY-MO.-YR.)

**25 JUN 1993**

TIME

**0940**

CPD 11-11-8 (REV. 3/85)

\*MUST BE COMPLETED IN ALL CASES

RFC-Iglesias 000131

NO 2. 00011111 02

**THIS IS A LINE-UP SUPPLEMENTARY REPORT:**

**LINE-UP CONDUCTED UNDER RD#** X-250 303

**LOCATION, DATE AND TIME:** Area Five Viewing Room, 24 Jun 93, at 0125 hours.

**PERSONS CONDUCTING LINE-UP:** Det. A. Riccio #20870 A5/VC  
Det. E. Halvorsen #20692 A5/VC  
Det. A. Guevera #20861 A5/VC

**PERSONS PARTICIPATING IN LINE-UP:**

1. DeJesus, Juan M/WH/18  
CB# [REDACTED]
2. MUNOZ, Ernesto M/WH/22  
CB# [REDACTED]
3. QUIROZ, Miguel M/WH/18  
[REDACTED]
4. LOPEZ, Juan M/WH/18  
[REDACTED]
5. PULOS, Ruben M/WH/23  
CB# [REDACTED]
6. IGLESIAS, Geraldo M/WH/24  
CB# [REDACTED]

**PERSONS VIEWING LINE-UP:**

1. RODRIQUEZ, Hugo
2. TORRES, Efrian
3. CHMIELESKI, David

**PERSONS IDENTIFIED IN LINE-UP:** #5 IGLESIAS, Geraldo was positively identified by witness Hugo RODRIQUEZ as the person whom he observed shoot the victim, Monica ROMAN.

**PHOTOGRAPHS TAKEN BY:** Det. E. Halvorsen #20692 A5/VC

**INVESTIGATION:** In furtherance of the investigation into the homicide of Monica ROMAN, R/d's conducted the above line-up. The suspect of the line-up, Geraldo IGLESIAS, was permitted to pick his position in the line-up. All participants were required to stand, face the viewing window, and make facing movements. RODRIQUEZ positively identified IGLESIAS as the subject he observed fire a gun at the vehicle in which the victim was a passenger. Witnesses TORRES and CHMIELESKI viewed the line-up but were unable to make an identification because they never saw the face of the offender.

10 2, 0001 1001 02

Detective Division  
Area 5 Violent Crimes

22 February 1993  
RD# X-079 312

Page 3

Det. E. Halvorsen #20692, Area Five Violent Crimes.  
Det. R. Guevera #20861, Area Five Violent Crimes.  
Det. Anthony Riccio #20870, Area Five Violent Crimes.

*Iglesias v. Guevara, et al.*,  
19 CV 06508

## EXHIBIT 30





1 APPEARANCES: (Cont'd)

2 LEINENWEBER BARONI & DAFFADA, LLC, by  
3 MS. MEGAN K. McGRATH  
4 (120 North LaSalle Street, Suite 2000  
5 Chicago, Illinois 60603  
6 866.786.3705  
7 mkm@ilesq.com)  
8 appeared on behalf of the defendant  
9 Reynaldo Guevara;

10 ROCK FUSCO & CONNELLY, LLC, by  
11 MR. AUSTIN G. RAHE  
12 (321 North Clark Street, Suite 2200  
13 Chicago, Illinois 60654  
14 312.494.1000  
15 arahe@rfclaw.com)  
16 appeared on behalf of the defendant  
17 City of Chicago;

18 THE SOTOS LAW FIRM, PC, by  
19 MR. DAVID A. BRUEGGEN and  
20 MR. KYLE CHRISTIE  
21 (141 West Jackson Boulevard, Suite 1240A  
22 Chicago, Illinois 60604  
23 630.735.3300  
24 dbrueggen@jsotoslaw.com)  
appeared on behalf of the individual  
defendants.

ALSO PRESENT:

Mr. Derek Letellier, Legal Videographer,  
Urlaub Bowen & Associates.

\* \* \* \* \*

## I N D E X

Witness: Page

EFRAIN MIRANDA

Examination by:

Mr. Brueggen.....	6
Mr. Rahe.....	56
Mr. Hazinski.....	57
Mr. Brueggen.....	94
Mr. Rahe.....	97
Mr. Hazinski.....	98

## E X H I B I T S

No.	Description	Marked/Referenced
1	Two Photographs - CCSAO Iglesias000011.....	16
2	Photograph - CCSAO Iglesias 00003.....	41
3	Declaration - Iglesias 002121-002122...	47

(Exhibits attached/scanned.)

- - -

1 THE VIDEO TECHNICIAN: This is media unit 1.  
2 We are now on the video record. This is the  
3 videotaped subpoenaed deposition of Efrain Miranda  
4 being taken on April 28, 2021. The time is now  
5 10:00 a.m., as indicated on the video screen.

6 This deposition is being taken  
7 remotely by agreement of the parties by a court  
8 reporter certified to administer the oath and take  
9 depositions in the State of Illinois.

10 This deposition is being taken on  
11 behalf of the defendant and video recorded on  
12 behalf of the defendant in the matter Iglesias  
13 versus Guevara, et al. The case number is  
14 19 CV 06508, filed in the United States District  
15 Court for the Northern District of Illinois,  
16 Eastern Division.

17 My name is Derek Letellier,  
18 certified legal videographer, representing Urlaub  
19 Bowen & Associates with offices at 20 North Clark  
20 Street, Suite 600, Chicago, Illinois. The court  
21 reporter today is Katie Elliott, also of Urlaub  
22 Bowen & Associates.

23 Counsel, please identify yourselves  
24 for the video record, state the parties which you

1 represent, and state your agreement to this  
2 deposition being taken remotely.

3 MR. BRUEGGEN: Good morning. My name is Dave  
4 Brueggen. I represent the defendant officers in  
5 this case, and I agree to the video deposition  
6 being taken remotely.

7 MR. RAHE: This is Austin Rahe, R-a-h-e, for  
8 the defendant City of Chicago. Same agreement.

9 MS. McGRATH: Megan McGrath on behalf of  
10 defendant Guevara. Same agreement.

11 MR. CHRISTIE: Good morning. Kyle Christie  
12 on behalf of individual defendants. Same agreement.

13 MR. HAZINSKI: Good morning. This is John  
14 Hazinski, H-a-z-i-n-s-k-i, on behalf of the  
15 plaintiff, Geraldo Iglesias; also agreeing to  
16 proceed remotely.

17 THE VIDEO TECHNICIAN: If the court reporter  
18 could please remotely swear in the witness.

19 (Witness sworn.)

20 EFRAN MIRANDA  
21 called as a witness herein, having been first duly  
22 sworn, was examined and testified as follows:

23

24

1 EXAMINATION

2 BY MR. BRUEGGEN:

3 Q. Good morning, Mr. Miranda.

4 Can you please state your full name  
5 for the record?

6 A. Efrain Torres Miranda.

7 Q. And is it okay if I call you  
8 Mr. Miranda?

9 A. That's fine.

10 Q. Mr. Miranda, have you ever testified in  
11 court or given a deposition?

12 A. No.

13 Q. Okay. There's a couple rules. As you  
14 can see, we're doing this via Zoom, and the court  
15 reporter is going to type everything that's said,  
16 so we need to make sure all our answers are out  
17 loud. If you could use yes and noes. If you say  
18 uh-uh or uh-huh or nod your head, I may follow up  
19 with, Is that a yes, or, is that a no. I'm not  
20 trying to be rude. Just trying to get a clean  
21 record.

22 Okay, sir?

23 A. Yes, sir.

24 Q. And because of that, since the court

1 reporter is typing everything, we need to take  
2 turns speaking. It's not like normal conversation  
3 where we just talk. If you could wait until I  
4 finish my questions; and likewise, I will wait  
5 until you finish your answers before I pose a new  
6 question, just so we're not talking at the same  
7 time. All right?

8 A. Fair.

9 Q. I don't anticipate this taking all that  
10 long. But at any time if you need to take a break  
11 for any reason, just let us know. I'd just ask if  
12 there's a question pending you give us an answer,  
13 and then we can take a break for whatever reason,  
14 okay?

15 A. Okay.

16 Q. I'll be asking a lot of questions  
17 today, as will some other attorneys. If you don't  
18 understand a question or don't hear it or the audio  
19 breaks up or there's a problem with the internet,  
20 just let us know and we will rephrase the question,  
21 okay?

22 A. Okay.

23 Q. If you answer the question, we will  
24 assume you understood it. All right?



1 A. Yes.

2 Q. And finally, today you may hear some  
3 objections from the attorneys. If an attorney  
4 objects, just allow the objection, and then we'll  
5 have you answer after the objection, okay?

6 A. Okay.

7 Q. Mr. Miranda, is there anybody else in  
8 the room with you right now?

9 A. No.

10 Q. Do you have any documents from this  
11 case with you right now?

12 A. All I have is the (indicating) -- can  
13 you read that?

14 Q. Yes. It appears you're holding up a  
15 subpoena to testify that told you that you needed  
16 to appear via Zoom today?

17 A. Exactly. That's it.

18 Q. All right. Prior to this deposition  
19 today, did you talk to David Chmielewski --

20 A. Yeah.

21 Q. -- about this deposition?

22 A. Yeah.

23 Q. And did you talk to him about his  
24 testimony, or just the fact that you had a

1 deposition?

2 A. Just the fact that he had it. We're  
3 roommates. We see each other all the time, so ...

4 Q. Did Mr. Chmielecki tell you anything  
5 about any of the questions I'm going to ask?

6 A. No.

7 Q. Did he tell you if I was nice or mean?

8 A. He says everything went cool, so ...

9 Q. Okay. Mr. Miranda, are you hearing me  
10 okay, or do you need me to speak louder?

11 A. I -- there's just a glare in the room  
12 so I'm turning my head. I'm sorry, but yeah, I can  
13 hear you.

14 Q. Okay, great.

15 How old are you today?

16 A. 46.

17 Q. Where do you currently reside?

18 A. [REDACTED].

19 Q. How long have you lived at that address?

20 A. A year and a month.

21 Q. Who do you currently live there with?

22 A. David Chmielecki.

23 Q. Any other roommates?

24 A. No.

1 Q. How long have you known David  
2 Chmielewski?

3 A. 1986 I want to say. Grammar school.

4 Q. Mr. Miranda, where did you go to high  
5 school?

6 A. Karl Schurz High School.

7 Q. Did you graduate?

8 A. No.

9 Q. Did you go and obtain your GED?

10 A. Yes.

11 Q. And when did you obtain your GED?

12 A. '89.

13 Q. After obtaining your GED, did you take  
14 any additional educational, formal educational  
15 courses?

16 A. No.

17 Q. Do you have any professional licenses?

18 A. No.

19 Q. Are you currently employed?

20 A. Yes.

21 Q. Where are you employed, sir?

22 A. I work for Anshe Emet Synagogue.

23 Q. Can you spell that, please?

24 A. Yes. It's A-n-s-h-e, E-m-e-t,

1 Synagogue. It's a -- it's a synagogue and private  
2 school in Wrigleyville.

3 Q. And what do you do for the synagogue  
4 and private school?

5 A. We do security maintenance mostly.

6 Q. How long have you been working for that  
7 synagogue?

8 A. Nine years in March. Yeah, this past  
9 March.

10 Q. Mr. Miranda, have you ever been the  
11 victim of a crime?

12 A. Me, yes.

13 Q. More than one crime or just one?

14 A. When I was younger, I was shot at,  
15 things like that. Nothing ever went to court or  
16 anything like that, but yeah.

17 Q. You say you were younger.

18 Do you remember roughly how old you  
19 were?

20 A. 14.

21 Q. Where were you living when you were 14?

22 A. Oh, geez. Um ...

23 Q. And, sir, if you don't remember the  
24 exact address, if you just have the general

1 location in the City?

2 A. Fullerton and Kimball in Logan Square,  
3 that area.

4 Q. And can you tell us what you were doing  
5 when you were shot at?

6 A. Yeah. I was riding my bicycle. It was  
7 during the summertime, and something happened on a  
8 different street. And next thing I know, glass and  
9 bricks, all this stuff starts breaking up around me.  
10 I hit the ground and a bunch of  
11 gang-bangers had a little shoot-out right in front  
12 of me, and they actually shot at me.

13 Q. And after that incident, did you speak  
14 to the police about what had occurred?

15 A. I just went home. We spoke to the  
16 police after that, but nothing ever happened.

17 Q. Have you ever filed a lawsuit against  
18 anybody?

19 A. No.

20 Q. Have you ever been sued?

21 A. No.

22 Q. Have you ever been convicted of a crime?

23 A. No.

24 Q. And, Mr. Miranda, just generally, are

1 you taking any medications, or do you have any  
2 conditions that would impact your ability to  
3 remember things or testify truthfully today?

4 A. No.

5 Q. Do you recall where you lived in June  
6 of 1993?

7 A. '93, that would have been [REDACTED] --  
8 geez -- what was it? [REDACTED] or [REDACTED].

9 Not [REDACTED].

10 Q. Was that an apartment or a house?

11 A. It was an apartment building on the  
12 third floor south.

13 Q. Who did you reside with in June of 1993?

14 A. That would have been my mother.

15 Q. And on the third floor south, would  
16 that have been the back of the building?

17 A. Yes. The apartment closest to the  
18 alley.

19 Q. How long had you lived at 2148 North  
20 Sawyer in roughly June of 1993?

21 A. Four years probably. '90, '91 I think  
22 we moved in.

23 Q. And prior to that, was that when you  
24 were living in Logan Square?

1           A.       Actually, no. There was another  
2 apartment just down the street, and we moved out of  
3 that one into the Sawyer apartments.

4           Q.       Mr. Miranda, can you tell us about --  
5 was there any gang activity in the area of Sawyer  
6 and Palmer by your apartment building?

7           A.       Always. Back in that day, yes.

8           Q.       Were you a member of any gang?

9           A.       No.

10          Q.       What gangs were in that area?

11          A.       In the immediate area, I believe they  
12 were called Insane Gangster Disciples.

13          Q.       And when you say the immediate area,  
14 was that their, if you will, their turf or their  
15 area that they controlled?

16          A.       Yeah. For -- it was a couple blocks,  
17 yes. There was a different -- every couple blocks,  
18 there's a different gang.

19          Q.       And what other gangs were in the  
20 general area besides the IGs?

21          A.       It depends on what -- which area --  
22 which direction you were going in. If you went  
23 north, it was the Cobras. If you went south, you  
24 had the Kings. The Kings were to the west, and



1 more Disciples to the east.

2 MR. HAZINSKI: I'm going to interpose an  
3 objection to the last -- the last question based on  
4 form.

5 BY MR. BRUEGGEN:

6 Q. And growing up in that area knowing the  
7 gangs around there, were you aware of certain  
8 colors that were affiliated with gangs?

9 A. Yeah, you kind of had to, but yes.

10 Q. Okay. And why did you kind of have to  
11 know what colors were affiliated with gangs?

12 A. There were -- back then, you couldn't  
13 wear certain colors to go into certain areas. They  
14 had to be neutral colors. Even if you weren't in a  
15 gang, you'd still be harassed.

16 Q. And do you know what colors the IGs  
17 were?

18 MR. HAZINSKI: Objection to form.

19 THE WITNESS: I think it was red and black.

20 BY MR. BRUEGGEN:

21 Q. In 1993, were you employed?

22 A. I don't think so.

23 Q. Were you going to school?

24 A. No.

1           Q.     And what were you doing kind of on a  
2 day-to-day basis back in 1993?

3           A.     I believe that's the period which I was  
4 helping build -- construct a church that I went to.

5           Q.     And where was that church located?

6           A.     4307 West Grand Avenue.

7           Q.     Were you being paid to build that  
8 church, or was that a volunteer?

9           A.     Volunteer.

10          Q.     Back in the neighborhood at -- and the  
11 building you told us about, if you let me jump  
12 right to, let me show what we'll mark as Exhibit  
13 No. 1.

14                     And, Mr. Miranda, what I'm going to  
15 do is I'm going to show a picture on the screen,  
16 and I will ask you some questions about it, okay?

17          A.     Okay.

18          THE VIDEO TECHNICIAN:   Sir, do you want the  
19 exhibit recorded on the video record?

20          MR. BRUEGGEN:   Yes, if you would, please.

21          THE VIDEO TECHNICIAN:   Sure.

22          BY MR. BRUEGGEN:

23          Q.     Mr. Miranda, do you see a document on  
24 your screen?

1 A. Yes.

2 Q. And this, for the record, is CCSAO  
3 Iglesias 000011.

4 And, Mr. Miranda, I want to direct  
5 you to the top photo in the photos there, and so I  
6 will zoom in so it's easier for you to see.

7 A. Okay.

8 Q. Do you see the photo on your screen,  
9 sir?

10 A. Yeah.

11 Q. And can you identify what that's a  
12 photo of?

13 A. That's the apartment building I lived  
14 in.

15 Q. Is that the apartment building on North  
16 Sawyer, at 2148 North Sawyer?

17 A. Yes.

18 Q. And looking at that, can you tell us --  
19 your apartment was the third floor. Would that be  
20 the top floor as --

21 A. Yes.

22 Q. -- seen in --

23 A. Yes.

24 Q. And back -- would it be back to the

1 left of the picture kind of behind the trees?

2 A. Right behind the tree, right there, yes.

3 Q. Looking at the photo -- and I'm going  
4 to use -- directing you, do you see these people  
5 standing outside?

6 A. Yes, sir.

7 Q. And can you tell me was that an  
8 entryway to the building?

9 A. Yeah.

10 Q. A side door?

11 A. It was actually the main door.

12 Q. Okay. So that was the main door.

13 And inside that, were there stairs  
14 up to the various levels?

15 A. Yes.

16 Q. In the general area of Sawyer -- or  
17 strike that.

18 What was the street that would be --  
19 the building was on in addition to Sawyer?

20 A. Palmer.

21 Q. So the building was on the corner of  
22 Sawyer and Palmer?

23 A. Yes.

24 Q. And I think earlier you mentioned

1 behind the building would be an alley?

2 A. Yes.

3 Q. Do you recall whether there was a boys  
4 club in the area of Sawyer and Palmer?

5 A. It was a -- yes, catty-corner to the  
6 building.

7 Q. And did you ever go to that boys club?

8 A. No.

9 Q. Do you know what the boys club was for?  
10 What activities happened or what happened there?

11 A. Usually just a bunch of kids hanging  
12 out, having fun.

13 Q. Did you ever see gang members hanging  
14 out at the boys club?

15 MR. HAZINSKI: Objection to form.

16 THE WITNESS: I mean, they were on all the  
17 corners, so it's hard to say whether or not they --  
18 they hung out there or not, but they were  
19 everywhere.

20 BY MR. BRUEGGEN:

21 Q. And when you saw people hanging out on  
22 corners, could you tell based on what they were  
23 wearing whether they were gang members?

24 A. Uh-uh.

1 MR. HAZINSKI: Is that a --

2 THE WITNESS: I'm sorry, no. I apologize.

3 MR. BRUEGGEN: Thanks, John.

4 BY MR. BRUEGGEN:

5 Q. Were any drugs sold in your  
6 neighborhood?

7 A. Not that I know of, no. I couldn't --  
8 can't really answer that.

9 Q. And when you saw gang members hanging  
10 out on the corners like you told us about, do you  
11 know what they were doing?

12 A. In front of my house, it was just  
13 usually hanging out and being loud and obnoxious,  
14 breaking into cars. That happened a few times.  
15 There was a lot of car theft going on in the -- in  
16 the area as well.

17 Q. Would gang members yell at people and  
18 represent their gangs?

19 A. Yeah.

20 MR. HAZINSKI: Object to form.

21 BY MR. BRUEGGEN:

22 Q. Would you see gang members in the  
23 general area of your apartment flashing gang signs?

24 A. Yes.

1 Q. And you told us about a shooting that  
2 you had at your prior apartment in Logan Square.

3 Did you ever witness any gang  
4 violence in the area of Palmer and Sawyer?

5 MR. HAZINSKI: Objection, misstates  
6 testimony.

7 THE WITNESS: I seen violence, yeah.

8 BY MR. BRUEGGEN:

9 Q. Were there a lot of shootings that  
10 occurred in the general area of Palmer and Sawyer?

11 MR. HAZINSKI: Objection, vague.

12 THE WITNESS: I want to say yes. There was  
13 quite a bit of shooting, fighting.

14 BY MR. BRUEGGEN:

15 Q. Do you recall a shooting that happened  
16 right near your building at about 3:50 p.m. on  
17 June 7th of 1993?

18 A. I don't remember the exact date. But  
19 if this is -- if I remember, I remember there was a  
20 shooting around that time.

21 Q. And what do you recall about that  
22 shooting?

23 A. I was in my apartments. I was watching  
24 television, listening to music, and it was broad



1 daylight. Must have been the afternoon. There  
2 were some shots fired, and that was about it.

3 Q. Did you see that shooting with your  
4 eyes?

5 A. No.

6 Q. But you heard shots fired?

7 A. Shots, yeah.

8 Q. Do you remember how many shots?

9 A. No.

10 Q. Did you hear anything before you heard  
11 the gunshots? Any yelling?

12 A. No.

13 Q. How about after the gunshots? Did you  
14 hear anything? Yelling? Screaming?

15 A. Not that I remember, no.

16 Q. After you heard the gunshots, what did  
17 you do, sir?

18 A. I looked out the window across the  
19 street. That's usually where gang-bangers are.  
20 And there were people standing there, and that was  
21 about it.

22 Q. All right. Sir, and when you say you  
23 looked out the window, would that be one of the  
24 windows that faced out onto Sawyer, or one of the

1 windows that faced onto the alley?

2 A. No, the windows face out to Sawyer.

3 Q. What did you see when you looked out  
4 that window?

5 A. The alley across Palmer -- across  
6 Sawyer, it continues, and there was just some  
7 people there in the yard.

8 Q. Did you see the scene of where the  
9 shooting had occurred?

10 A. No.

11 Q. Did you see a car outside driving away  
12 or anything?

13 A. No.

14 Q. Prior to being in your apartment that  
15 day and watching TV, where had you been?

16 A. Sleeping probably. We didn't -- we  
17 didn't go out much.

18 Q. And why didn't you go out much?

19 A. To tell you truth, it's because of the  
20 gangs. We used to get a lot of -- we used to get  
21 hassled by them.

22 Q. Had you been outside that day and  
23 walked past the boys club?

24 A. No.

1           Q.     After you heard the shooting, did you  
2 call the police?

3           A.     No.

4           Q.     Did the police arrive on scene?

5           A.     Yeah.

6           Q.     Do you know how long after the shooting  
7 that the police arrived?

8           A.     I don't recall. I don't remember.

9           Q.     Was it --

10          A.     It couldn't have been that long.

11          Q.     And that was going to be my next  
12 question: Was it more than a half an hour?

13          A.     I would say no.

14          Q.     Was it more than 15 --

15          A.     20 minutes --

16          Q.     -- minutes? Sorry, what --

17          A.     15, 20 minutes, sorry.

18          Q.     And when the police arrived on scene,  
19 were you still looking out your window?

20          A.     No.

21          Q.     On that day of the shooting, did you  
22 talk to the police?

23          A.     Yes. Someone let the -- the officers  
24 into the -- the building, and they made their

1 rounds upstairs.

2 Q. And when you say made their rounds  
3 upstairs, what do you mean by that, sir?

4 A. You hear them knocking on the doors as  
5 they came up the stairs to talk to everyone.

6 Q. Eventually did the officers knock on  
7 your door?

8 A. Yes.

9 Q. Did you invite them into your apartment?

10 A. Yes.

11 Q. And did they ask you questions about  
12 the shooting?

13 A. They asked me, yes.

14 Q. Do you recall the names of anybody you  
15 spoke to, any police officers you spoke to?

16 A. No, I don't.

17 Q. Do you remember whether they were  
18 uniformed or plainclothes?

19 A. I want to say they were uniformed  
20 first. They were -- I believe they were the ones  
21 responding.

22 Q. And when you say uniformed first, did  
23 you talk to other police that day in addition to  
24 the uniformed ones?

1           A.       Yeah. They -- when they left, they  
2       told us that, myself and my mother, that they --  
3       someone else might be coming back to speak with us,  
4       and that's when the detectives came.

5           Q.       Do you remember the names of the  
6       detectives you spoke to?

7           A.       No, I don't.

8           Q.       Do you recall what -- was it more than  
9       one detective that you spoke to that day?

10          A.       There were two.

11          Q.       Do you recall what either detective  
12       looked like?

13          A.       No, it's been so long, no; a short  
14       visit.

15          Q.       Do you know how long after you spoke to  
16       the uniformed officers that the detectives arrived?

17          A.       I would say an hour.

18          Q.       And can you tell me what the detectives  
19       asked you?

20          A.       Basically the same questions you're  
21       asking me: What have I seen, what I'd been doing,  
22       did I hear or see anything out of the ordinary  
23       before or whatever, and ...

24          Q.       What did you tell the detectives?

1           A.       The same thing I told you. I was, you  
2 know, watching television, listening to music.  
3 Just it was a hot day. I was trying to get some  
4 air, so ...

5           Q.       Did the detectives do anything else  
6 other than just ask you questions?

7           A.       Yes, they showed me a book. A couple  
8 books --

9           Q.       And --

10          A.       -- with pictures in them.

11          Q.       When you say "books," were these like  
12 photo albums with multiple --

13          A.       Yes.

14          Q.       -- pictures?

15          A.       Binders with multiple pictures.

16          Q.       Do you recall how many binders you  
17 looked at?

18          A.       One, maybe two.

19          Q.       Do you recall how large these binders  
20 were?

21          A.       I don't recall. I mean, maybe -- I'm  
22 trying to remember the size of them. Maybe  
23 three-inch on the binder. I didn't look through  
24 the entire book though. There were different

1 sections.

2 Q. And do you know -- did the detectives  
3 direct you to different sections to look at?

4 A. They just opened up the book, handed it  
5 to me, and just said, just look and see if you  
6 recognize anyone.

7 Q. Do you know what those photos were of  
8 or who they were of?

9 A. I could tell they were all criminals  
10 because they were all mugshots it looked like.  
11 Other than that, no.

12 Q. Were you able to identify anybody in  
13 the photos?

14 A. No.

15 Q. Were the detectives asking if you could  
16 identify anybody that you had seen at the shooting?

17 A. Yeah. And I told them I didn't see  
18 anyone.

19 Q. After you told them you didn't see  
20 anybody, what did they do?

21 A. They left a card. They left. They  
22 said they would be in contact, and they left.

23 Q. Do you still have that card that was  
24 left?



1 A. No, no.

2 Q. Didn't know if you were maybe using it  
3 as a bookmark or something.

4 A. No, I wish. That's too many apartments  
5 in between.

6 Q. When you spoke to the detectives, did  
7 you provide your contact information?

8 A. My phone number and my name. That's  
9 about it.

10 Q. Were you willing to speak to the  
11 detectives?

12 A. Yeah, I had no problems.

13 Q. Did you feel any pressure that you  
14 needed to talk to them?

15 A. No.

16 Q. Do you recall if you went to the police  
17 station that same day as the shooting?

18 A. Yeah. Later on in the night, they -- I  
19 was contacted by -- I believe it was one of the  
20 original detectives. And they sent someone to come  
21 pick us up and take us to Area Five I believe it  
22 was, the crimes unit.

23 Q. So let's go back to the -- the first  
24 conversation with the uniformed officers, how long

1 did that conversation last?

2 A. A few minutes.

3 Q. And then you had a discussion with  
4 detectives in your apartment. How long did the  
5 actual conversation last?

6 A. 20 minutes, half an hour.

7 Q. And did that include the time you were  
8 looking at the photos?

9 A. Yes.

10 Q. Did the detectives -- or strike that.

11 Did the uniformed officers also  
12 speak to your mother?

13 A. No. She -- she seen after whatever had  
14 happened, so they didn't really -- they just asked  
15 her her name. That was about it.

16 Q. Did the detectives speak to your mother?

17 A. No.

18 Q. Do you know if your mother saw anything  
19 related to the shooting?

20 A. No. Like I said, she would have been  
21 at work until way later, so no.

22 Q. So now, anything else you recall about  
23 your interaction with the detectives at your  
24 apartment when they came to talk to you after you

1 had talked to the uniformed officers?

2 A. No.

3 Q. And then I believe you told us later on  
4 you were called by one of the original detectives?

5 A. Uh-hmm.

6 Q. Is that a yes?

7 A. Yes, I'm sorry.

8 Q. Not a problem.

9 Do you recall that detective's name?

10 A. No.

11 Q. Do you recall anything about him?

12 A. Not really, no.

13 Q. What did the detective say to you when  
14 he called you?

15 A. If I remember correctly, they wanted to  
16 know or he wanted to know if we'd be willing to  
17 come and look at some photos or look at something.  
18 And I remember us telling him -- or I told him, I  
19 says, Well, I didn't really see anything. He  
20 says -- but then he asked me again, and then I told  
21 him, Yeah, that's fine.

22 Q. And you said telling "us" and "we."

23 Who were you speaking of besides  
24 yourself?

1           A.       So my mother was still there. At that  
2 point she was there.

3           Q.       After that call -- or strike that.

4                   In that call, you agreed to go look  
5 at something else?

6           A.       Right, yes.

7           Q.       Did you understand that they wanted you  
8 to come to the police station?

9           A.       Yes.

10          Q.       Did they say whether you had to go on  
11 your own, or whether they would send someone to  
12 pick you up?

13          A.       They said they would send someone, a  
14 car to come pick us up.

15          Q.       Do you recall what time of the day this  
16 was?

17          A.       It was at night. 11, 11:30 at night.

18          Q.       And your recollection is the same day  
19 as the shooting that you received this call to come  
20 look at something?

21          A.       From what I remember, yes. It all  
22 happened around -- in the same day.

23          Q.       After you received that call, what  
24 happened next relating to this shooting?

1           A.       Within 10 minutes, there was another  
2 call letting us know that -- that they were there,  
3 that they pulled up. And that's when I saw David,  
4 and we both got into the car, and they drove us  
5 to the -- to the police station.

6           Q.       When the people -- the police arrived,  
7 did they come up to your apartment, or did they  
8 just call you?

9           A.       They went to the door.

10          Q.       And was there a buzzer on the door that  
11 you could --

12          A.       Yes.

13          Q.       -- ring different apartments?

14          A.       Yes. Sorry, I didn't mention that.

15          Q.       Not a problem, sir.

16                   The police that showed up to pick  
17 you up, were they plainclothes or uniformed  
18 officers?

19          A.       Plainclothes.

20          Q.       Was it the same plainclothes officers  
21 you had previously spoken to?

22          A.       I want to say yes.

23          Q.       After they buzzed your apartment, did  
24 you go down to the car?

1 A. Yes.

2 Q. Did your mother go with you?

3 A. No.

4 Q. And when you went down to the car, you  
5 saw -- you said you saw David Chmielewski?

6 A. Uh-hmm.

7 Q. Is that a yes?

8 A. Yes.

9 Q. Did you and David both get into the  
10 same car?

11 A. Yes.

12 Q. Did the plainclothes officers in the  
13 car say anything to you?

14 A. No.

15 Q. What happened after you guys got in the  
16 car?

17 A. They drove us up to Grand and Central.

18 Q. The police station located there at  
19 Grand and Central?

20 A. Yes.

21 Q. When you guys got to Grand and Central,  
22 what happened to you?

23 A. We walked in, went into an area where  
24 there were some desks. I was seated at one; David

1 was seated at another desk. And then someone came  
2 out and spoke to us. I don't remember his name,  
3 but he mentioned that he was either working with or  
4 was like an assistant district attorney or  
5 something like that.

6 Q. You spoke to somebody who said they  
7 were a dis -- assistant district attorney or a  
8 prosecutor?

9 A. Or something like that. I can't  
10 remember really the exact title.

11 Q. Did you ultimately speak to that person?

12 A. He just introduced himself, and then  
13 the detectives were there as well, and that's when  
14 they told me that they wanted me -- asked me to  
15 participate in a lineup, to -- to view a lineup.

16 Q. The assistant district attorney or  
17 attorney, do you recall what he looked like?

18 A. It was a younger, mid 30s, white  
19 gentleman. I believe he had like brown or blond  
20 hair, something like that.

21 Q. Was he tall, short?

22 A. I would say as tall as I am,  
23 five-eleven.

24 Q. And was he thin, heavysset?



1           A.       I don't remember that. I'm sorry.

2           Q.       Not a problem.

3                   And the detectives that you said you  
4 spoke to and asked you look at a lineup, were those  
5 the same detectives you had spoken to previously?

6           A.       Uh-hmm.

7           Q.       Is that yes?

8           A.       Yes.

9           Q.       And were they the same detectives that  
10 had driven you to Area Five?

11          A.       I want to say yes.

12          Q.       So after sitting at the desks, you and  
13 David, were you guys near each other?

14          A.       I don't remember.

15          Q.       Were you guys talking?

16          A.       I don't remember having a conversation  
17 with him while we were there.

18          Q.       And so while you're sitting at the  
19 desk, the first thing you remember happening is  
20 this gentleman who was an assistant district  
21 attorney or assistant state's attorney coming up  
22 and talking to you?

23          A.       Yes.

24          Q.       And then after you spoke to him, is

1 that when the plainclothes officers or detectives  
2 came up and asked you to view a lineup?

3 A. Correct, yes.

4 Q. Any other events happen between the  
5 time you arrived at the police station until you  
6 went to view the lineup?

7 A. No.

8 Q. Can you tell us about going to view the  
9 lineup.

10 A. I was escorted into a room, a small  
11 room, dark room. And there was one person in  
12 there, plus the detective who brought me in.

13 And the detective told me what was  
14 going to happen. They were going to bring out some  
15 people, different profiles, and to take my time and  
16 see if I recognized anyone from that day.

17 Q. The detective who brought you in there,  
18 was that the same detective that you had -- that  
19 had driven you to the police station?

20 MR. HAZINSKI: Objection to --

21 THE WITNESS: One of --

22 MR. HAZINSKI: -- form.

23 THE WITNESS: -- the two.

24

1 BY MR. BRUEGGEN:

2 Q. And that other person in the room, do  
3 you remember who that was?

4 A. No, they didn't speak.

5 Q. Do you know if that was a police  
6 officer or an attorney?

7 A. He wasn't dressed like a police  
8 officer, so I couldn't tell you. Might have been a  
9 detective, or I'm not sure.

10 Q. Do you recall what that other detective  
11 looked like or potential detective looked like?

12 A. Not really. It was kind of dark.

13 Q. But you say that person did not say  
14 anything to you?

15 A. No, not at all.

16 Q. The detective that brought you in, what  
17 did he say to you?

18 A. He told me what was going to happen.  
19 They're going to bring some people out and have  
20 them take different profiles or whatnot, and to  
21 look carefully, take my time, and see if I had  
22 recognized anyone from the day.

23 Q. Did you then look at people behind the  
24 glass?

1 A. Yeah.

2 Q. Did you recognize anybody from the day?

3 A. No.

4 Q. Did you tell the detective that you  
5 were with that you did not recognize anybody?

6 A. Yes.

7 Q. And what happened after that?

8 A. I was brought out back to the desk  
9 where I met up with David, and a few minutes later,  
10 they drove us home.

11 Q. Do you know if David viewed a lineup  
12 that night?

13 A. Uh-hmm.

14 Q. Is that a yes?

15 A. Yes. I'm sorry.

16 Q. No problem, sir.

17 How do you know that David viewed a  
18 lineup that night?

19 A. He -- he just asked what happened. I  
20 said, Yeah, I went to look at a lineup; and he said  
21 the same thing.

22 Q. While you were reviewing that lineup,  
23 did you feel any pressure from the detectives to  
24 identify somebody?

1 A. No.

2 Q. On the other side of the glass where  
3 you saw people to view, was -- did you see a police  
4 officer or detective?

5 A. I don't remember if there was anyone  
6 other than them.

7 Q. While you were viewing that lineup, did  
8 any detective or police officer indicate a specific  
9 person they wanted you to choose?

10 A. No.

11 Q. Did the detectives that you interacted  
12 with, did they act professionally?

13 A. They were fine, yes.

14 Q. Did any of them yell at you?

15 A. No.

16 Q. Were they mean to you?

17 A. No.

18 Q. Were you willing to look at whatever  
19 they wanted you to look at to try to help?

20 A. Yes.

21 Q. Did any police officer or detective do  
22 anything that made you feel uncomfortable?

23 A. No.

24 Q. Now, Mr. Miranda, I'm going to show you

1 what we'll mark as Exhibit No. 2, and after I put  
2 things on the record, I'm going to have you look at  
3 it and I'm going to ask you if you can tell me if  
4 you recognize it, okay?

5 A. Okay.

6 Q. Mr. Miranda, I'm showing you what's  
7 been marked as Exhibit No. 2. And for the record,  
8 it's CCSAO Iglesias 00003.

9 Do you see photos up on the screen?

10 A. Yes.

11 Q. Let me zoom in. Can you see that more  
12 clearly?

13 A. Yes.

14 Q. And do you recognize anything about  
15 that photo?

16 A. No.

17 Q. Mr. Miranda, do you recall how many  
18 people were on the other side of the glass in the  
19 lineup that you viewed?

20 A. No.

21 Q. Is that a no?

22 A. No. I'm trying --

23 Q. Was it --

24 A. -- to remember.

1 Q. Was it more than three?

2 A. I believe it was more than three. I  
3 just -- it happened so fast. It was like maybe  
4 eight, maybe less. I'm not sure.

5 Q. After the lineup, did you speak to the  
6 assistant state's attorney or prosecutor again?

7 A. No.

8 Q. You said after the lineup you went  
9 outside, you saw David, and the police drove you  
10 home?

11 A. Yes. Within a few minutes, yeah.

12 Q. Were you ever -- when was the next time  
13 you were contacted about the shooting that happened?

14 A. Like maybe four months ago.

15 Q. So you were never contacted again by  
16 the police or by any attorneys regarding the  
17 criminal case after that lineup until just recently?

18 A. Correct.

19 Q. And what happened four months ago? Can  
20 you tell us?

21 A. I started to receive emails -- I'm  
22 sorry -- voicemails and calls from an unknown  
23 number. And it end up being a -- someone working  
24 for an attorney. And then I believe -- I believe a



1 private detective that works for you guys I believe  
2 contacted us about the case and explained more in  
3 detail.

4 Q. And so let's start with you received  
5 calls and voicemails from an unknown number, right?

6 A. Right.

7 Q. And then from listening to the  
8 voicemails, you understood it was somebody who was  
9 working with an attorney who was investigating this  
10 case.

11 A. Correct.

12 Q. Do you remember that person's name?

13 A. I -- I'm sorry. I don't actually.

14 Q. Did you ever talk to that person,  
15 either via phone or in person?

16 A. On the phone, I called the person after  
17 a while because they called so much, I just wanted  
18 to end it all. I spoke to the person, and that's  
19 when they informed me what they were doing. And  
20 they set up a time where they can come and talk to  
21 us.

22 Q. And when you say "us," who do you mean?

23 A. David Chmielewski.

24 Q. Was the investigator also trying to

1 speak to your roommate David?

2 A. Yeah.

3 Q. And how many voicemails did you get --  
4 or strike that.

5 How many phone calls did you get  
6 from the investigator before you called him back?

7 A. A lot. I want to say a few voicemails,  
8 like once or twice a day, for a good week or two.

9 Q. When you called him back, what did he  
10 explain to you?

11 A. He asked me if I remember an incident  
12 that happened way back when and if I'd be willing  
13 to talk about it.

14 Q. What did you say to him?

15 A. I told him I don't remember. I told  
16 him exactly that I didn't see anything. I don't  
17 remember much about it. But if he wants to talk,  
18 that's fine.

19 Then that's when he came by.

20 Q. You met him in person?

21 A. I don't know if it was the same person  
22 or someone working for them. I remember there was  
23 a young gentleman that came, and he -- he had some  
24 affidavits that he wanted to sign after taking

1 some infor -- some -- he asked us some questions,  
2 took down some information, came back with some  
3 affidavits he wanted us to sign.

4 Q. So you met with him on one occasion and  
5 provided information to this young gentleman?

6 A. Yeah.

7 Q. Do you know if the young gentleman was  
8 an attorney or an investigator?

9 A. I don't think -- I don't think either.  
10 It might have been someone that worked with them,  
11 like in an office capacity. But other than that,  
12 I'm not -- I don't think he was a detective.

13 Q. So you met with the young person,  
14 provided them information, and then how long after  
15 that did that same young person return with a  
16 document for you to sign?

17 A. Within a day or so?

18 Q. And do you recall what that document  
19 said that the young person wanted you to sign?

20 A. Yeah. Basically it was our -- our  
21 record of what we had spoken about, the questions  
22 he had asked and my answers. So a statement I  
23 guess you would say.

24 Q. When you were speaking to that

1 gentleman who was asking you questions about this,  
2 was there anything in particular that he was  
3 focusing on?

4 A. Just what we had seen, what I had seen  
5 that day. He kept asking what did I see. I told  
6 him again, no, I didn't see anything. Just heard  
7 it.

8 I don't recall -- I think he asked  
9 about the lineup. But other than that, I don't  
10 recall anything else.

11 Q. Do you recall any specific areas of  
12 inquiry about the lineup?

13 A. I think he asked if I chose anyone, and  
14 I told him, No, I didn't choose anyone.

15 Q. Did he ask you about any of your  
16 interactions with the detectives or the police?

17 A. I don't think so.

18 Q. After you signed that -- or strike that.

19 Why did you sign that declaration?

20 A. I thought that he was just there to  
21 take our -- our version of what had happened that  
22 day from our standpoint. And I thought that'd be  
23 the end of it because we didn't really see  
24 anything, and I didn't know it would lead to

1 something bigger, so ...

2 To me, I -- I just wanted to -- like  
3 I said, I just wanted to sign it and be done with  
4 it.

5 Q. How many -- strike that.

6 The document signed, was that the  
7 only document you received or saw from that person?

8 A. Yes.

9 Q. And, Mr. Miranda, I'm going to show you  
10 another exhibit, if you could bear with me. This  
11 will be Exhibit No. 3.

12 Mr. Miranda, do you see an exhibit  
13 up on your screen?

14 A. Yes.

15 Q. I'm sure it's small. And for the  
16 record, this is Exhibit Iglesias 002121-2122. And  
17 can you see this -- sir, are you participating on a  
18 cell phone?

19 A. No, I'm on an iPad.

20 Q. iPad, okay. So it's somewhat big, and  
21 I can zoom in for you.

22 Do you recognize what I'm showing as  
23 Exhibit 3?

24 (Phone interruption.)

1 THE WITNESS: Yeah.

2 BY MR. BRUEGGEN:

3 Q. And I --

4 A. Yeah.

5 Q. -- will scroll down. Let me get to the  
6 next page.

7 What do you recognize Exhibit 3 to  
8 be?

9 A. Well, that's the page -- the paper we  
10 had to sign.

11 Q. That's the document that you signed  
12 after speaking to that person?

13 A. Yes.

14 Q. Do you know if David Chmielewski signed  
15 a declaration?

16 A. I believe so.

17 Q. And do you know did David tell you  
18 anything about him signing a declaration?

19 A. We were both here when -- when the  
20 gentleman came, so he kind of did both at the same  
21 time. That's how come I know.

22 Q. And after you signed your declaration,  
23 do you know if the gentleman ever returned to visit  
24 you or David?

1 A. Haven't seen him since.

2 Q. And then after that, you also mentioned  
3 you talked to another investigator.

4 A. Yes. It was --

5 Q. And how long ago was that?

6 A. A month ago. He's the one that brought  
7 us the -- the subpoenas.

8 Q. Do you recall what you spoke to that  
9 investigator about?

10 A. Really nothing. He just -- he was  
11 there to give us the subpoena, and what it was for,  
12 and he was nice. But it was a 5-minute  
13 conversation, if that, and then he left. Never  
14 came inside.

15 Q. And when you got that subpoena, that's  
16 when you realized signing that declaration wasn't  
17 the end of your involvement?

18 A. Yep, yes.

19 Q. Well, we all appreciate you  
20 participating today. I just have a few more  
21 questions, and then I will be done and some of the  
22 other attorneys might have some questions.

23 A. Okay.

24 Q. I'm going to ask you if you know



1 certain people or if the names sound familiar, and  
2 then I'll ask --

3 A. Okay.

4 Q. -- how they sound familiar, okay?

5 The name Mercy Cordo?

6 A. No.

7 Q. How about Monica Roman?

8 A. No.

9 Q. How about somebody by the name of  
10 Bernice Bullocks?

11 A. Bernice Bullocks was my neighbor at  
12 Palmer apartments. She lived on the first floor  
13 across from David.

14 Q. Did Bernice have any children?

15 A. She had one child. He was mentally  
16 retarded. His name is Stevie, I think.

17 Q. Do you know if Bernice witnessed  
18 anything about the shooting on June of --

19 A. No.

20 Q. -- 1993?

21 A. No, we -- we rarely talked.

22 Q. What about somebody by the name of  
23 Frank Vasquez? Does that name ring a bell?

24 A. No.

1           Q.     Do you know somebody by the name of  
2     Arnell Moore?

3           A.     No.

4           Q.     How about somebody named Rozando Ochoa?

5           A.     No.

6           Q.     Do you know somebody named Daniel  
7     Sanchez?

8           A.     No.

9           Q.     How about somebody with the name Hugo  
10    Rodriguez?

11          A.     No.

12          Q.     Somebody named Jesus Gonzalez?

13          A.     No.

14          Q.     You know somebody named Jose -- Jose  
15    Coronell?

16          A.     No.

17          Q.     Do you know somebody named Geraldo  
18    Iglesias?

19          A.     No.

20          Q.     How about a girl named Rosie Cruz?

21          A.     No.

22          Q.     Or a girl named Miran Yavez [phonetic]?

23          A.     No.

24          Q.     And, sir, earlier you told us that the

1 investigator who reached out to you you said about  
2 four months ago called and left multiple voicemails?

3 A. Yes.

4 Q. Do you still have those voicemails?

5 A. Oh, geez. I don't think so. I  
6 regularly delete my stuff.

7 Q. No, understandable.

8 Do you still have that  
9 investigator's phone number?

10 A. Uh-uh.

11 Q. Is that a no?

12 A. No. I think I actually blocked his  
13 number.

14 Q. And why did you block his number?

15 A. The first one, I explained to him that  
16 I can't receive phone calls while I'm at work, and  
17 that's the time that he seemed to call was every  
18 time I'm at work over and over and over again.

19 So it was either turn off my phone  
20 or block his number.

21 Q. And what are your normal hours of work?

22 A. Now I work from 8:00 o'clock in the  
23 morning to 4:30, 5:30 at night in the p.m.

24 Q. When the investigator was calling you,

1 did you have the same hours of work, or were they  
2 different?

3 A. It -- it varied due to COVID since the  
4 schools weren't really opening yet fully. My hours  
5 would change. I would work at night or I would  
6 work in the morning, so I never really knew what my  
7 schedule was going to be until I went to work the  
8 next day.

9 Q. And, sir, do you recall if the  
10 gentleman you spoke to who was leaving you the  
11 voicemail, if his name was Oscar?

12 A. That sounds familiar.

13 Q. Do you know if the gentleman who  
14 brought you the document to sign and met with you,  
15 whether that was Oscar?

16 A. I think it was.

17 Q. Do you recall ever speaking to Oscar  
18 and an attorney on a call?

19 A. An attorney? I remember speaking to  
20 Oscar and a person, yes.

21 Q. And another person?

22 A. Another person. He would -- he had his  
23 phone, and I guess he would contact the other  
24 person on the phone and say, I'm here with

1 Mr. Miranda and so and so.

2 Q. Got you.

3 So when he met with you in person,  
4 he called someone up on the phone for you to talk  
5 to that person.

6 A. Yes.

7 Q. Do you know who that person he called  
8 was?

9 A. I don't remember the name. He told me  
10 his name, but I -- I can't recall.

11 Q. Do you recall anything about the person  
12 that was on the phone, whether they said they were  
13 an attorney or whether they were a paralegal or --

14 A. I believe it was attorney.

15 Q. Do you know who that attorney was  
16 representing, if anybody?

17 A. No. They said they were working for  
18 some sort of organization. I forgot the name of  
19 the organization.

20 Q. Did they tell you what the purpose of  
21 the organization was?

22 A. Somewhere along the lines of being some  
23 sort of a watchdog group, like -- or police over  
24 watch or something like that.

1           Q.     And did they tell you what they did as  
2 a watchdog group or police over watch?

3           A.     No. I didn't speak to that person that  
4 long.

5           Q.     Did they tell you why they wanted to  
6 get your statement regarding the shooting that  
7 occurred?

8           A.     From what I can remember, they had  
9 explained to me that something went wrong with  
10 the -- some trial or someone was put in prison  
11 wrongfully. It was very confusing to me, the way  
12 he explained it. But I guess they were trying to  
13 say that the officer had did something wrong, so  
14 some officer. And yeah, that was about it.

15          Q.     And based on your interactions with the  
16 detectives and the police officers, did you believe  
17 any officer had done anything wrong in relation to  
18 your interactions?

19          A.     With my interactions from -- from back  
20 then?

21          Q.     Yes, sir.

22          A.     No.

23          MR. BRUEGGEN: Mr. Miranda, those are all the  
24 questions I have. Some of the other attorneys

1 might have some questions. Thank you very much for  
2 your time and patience.

3 THE WITNESS: Thank you.

4 MR. RAHE: Hi, Mr. Miranda, I may have a few  
5 questions for you. Would you mind if we took a  
6 quick 5-minute bathroom break before then?

7 THE WITNESS: That's fine.

8 MR. RAHE: Okay, great. Thank you.

9 THE VIDEO TECHNICIAN: We are going off the  
10 record. The time is 10:58 a.m.

11 (Recess taken.)

12 THE VIDEO TECHNICIAN: We are back on the  
13 record. The time is 11:06 a.m. You may proceed.

14 EXAMINATION

15 BY MR. RAHE:

16 Q. Hi, Mr. Miranda, my name is Austin  
17 Rahe. I'm an attorney for the City of Chicago in  
18 this lawsuit. I just have a couple questions for  
19 you.

20 So you talked a little bit about  
21 that investigator that called you a bunch of times,  
22 and then you ended up meeting with him, right?

23 A. Yes.

24 Q. You remember that, okay.



1                   Did you -- whenever you signed that  
2       declaration, did you feel like you had to sign it  
3       in order to get him to leave you alone?

4           A.       Kind of.

5           MR. RAHE:   Okay.   That's all the questions I  
6       have.

7   EXAMINATION

8       BY MR. HAZINSKI:

9           Q.       Hi, Mr. Miranda.   My name is John  
10       Hazinski.   I'm an attorney.   I represent the  
11       plaintiff in this lawsuit, Geraldo Iglesias.  
12       Thanks so much for your time today.

13                   I have a few follow-up questions  
14       that are going to go over some of the ground that  
15       was already covered in your previous questioning,  
16       but I just want to get clear on a few topics, if  
17       that's okay.

18           A.       That's fine.

19           Q.       Thanks.

20                   So in preparation for this  
21       deposition, did you have any conversations with any  
22       attorneys within the last month or so?

23           A.       No.

24           Q.       Okay.   Did anybody who was an attorney

1 for the defendants in this case reach out to you  
2 and try to talk to you?

3 A. Uh-uh.

4 Q. Okay.

5 MR. BRUEGGEN: Is that a no, sir?

6 THE WITNESS: Sorry, no.

7 MR. HAZINSKI: Thanks.

8 MR. BRUEGGEN: Sorry, John.

9 BY MR. HAZINSKI:

10 Q. And -- and you mentioned you had a  
11 short conversation with David about his deposition  
12 that happened yesterday, right?

13 A. Yes.

14 Q. But you didn't get into the substance  
15 of what he testified about, right?

16 A. No.

17 Q. Okay. And so I want to ask you about  
18 the declaration you signed that the investigator  
19 brought you after you had a conversation with him,  
20 okay?

21 A. Okay.

22 Q. Now, you testified that you had had a  
23 phone conversation with him before the declaration  
24 was put together, right?

1           A.       I believe we spoke before, yes.

2           Q.       Okay. And during that conversation,  
3 you provided some information to him about what you  
4 remembered from this incident all the way back in  
5 1993?

6           A.       What I -- yeah, whatever I could  
7 remember, yeah.

8           Q.       And then the investigator, did he --  
9 did he or somebody else take that information and  
10 put that in the -- the declaration that you later  
11 signed?

12           MR. BRUEGGEN: Object to foundation,  
13 speculation. Go ahead, sir.

14           THE WITNESS: From what I can remember, it  
15 had parts of my statements on there. There were  
16 some mistakes that were made, and they had to -- I  
17 had to initial the -- I had to initial the -- the  
18 repairs, I guess.

19 BY MR. HAZINSKI:

20           Q.       Okay. And you specifically remember  
21 initialing a copy of a statement?

22           A.       I don't remember if it was initial or  
23 just sign. There was a part where in the statement  
24 they had for some reason David and I talking

1 downstairs. And I told them no, I was upstairs,  
2 and I didn't have contact with David until after  
3 everything happened.

4 Q. Got it.

5 A. And I guess they said that -- that  
6 would be fixed, and on the final copy, it wouldn't  
7 be there or whatever.

8 Q. Okay. And so during this process, you  
9 basically went through and checked to make sure  
10 everything in there was right before you signed?

11 A. Correct.

12 Q. Okay. And when you read through it,  
13 other than that thing you just mentioned about you  
14 talking to David or being with David, did you  
15 notice anything else that was wrong?

16 A. You know, I -- I can't remember right  
17 now.

18 Q. Okay.

19 A. I'm trying to think back. That's the  
20 only thing I can -- I can remember right now that  
21 was an issue. Other than that, I'm not so sure.

22 Q. Okay. Did you feel like the document  
23 that they had prepared was an accurate summary of  
24 what you had told them for the most part?

1           A.       For the most part, yes.

2           Q.       Okay. And this guy who had been  
3 calling you repeatedly, whose name might have been  
4 Oscar, he was trying to get in contact with you for  
5 about how long before you ended up actually talking  
6 to him?

7           A.       Oh, I -- I wouldn't know. I -- the  
8 only time I really paid attention was I guess  
9 someone came to the house and spoke to David, got  
10 in contact with someone. He told me someone came  
11 by. And that's when I figured, okay, we should  
12 give this guy a call.

13          Q.       Up until that point, had you gotten a  
14 little irritated with all the contacts that he  
15 was trying --

16          A.       Well --

17          Q.       -- to make with you?

18          A.       -- I just didn't know who it was.  
19 Because I had to change my number because of scams  
20 and things like that. So when an unknown number  
21 keeps calling me and calling me and calling me,  
22 then I usually don't pick up unknown calls. If I  
23 don't know the number, I don't pick it up.

24          Q.       Right.

1           A.       In that sense, yes.

2           Q.       Okay. And he would sometimes call you  
3 at inconvenient times, right?

4           A.       Yeah.

5           Q.       Yeah. Because your work schedule was  
6 changing a lot around that time, right?

7           A.       Right.

8           Q.       Yeah.

9           A.       I can't always answer the phone, so ...

10          Q.       And sometimes he would catch you while  
11 you were at work, and you wouldn't -- wouldn't be  
12 able to answer the call while you were working,  
13 right?

14          A.       Correct.

15          Q.       Okay. Would it be fair to say that  
16 when you were receiving all these calls from this  
17 unknown number, you didn't want to deal with  
18 whatever that was?

19          MR. BRUEGGEN: Object to form.

20                   Go ahead, sir.

21          THE WITNESS: If it was at work, I didn't  
22 want to deal with it. Other than that, I just  
23 mostly just wanted to find out what was going on.

24

1 BY MR. HAZINSKI:

2 Q. Yeah.

3 A. But once he explained it to me, then ...

4 Q. And once you understood what was going  
5 on and what it was all about, were you willing to  
6 provide information to this person about what you  
7 remembered?

8 A. Yeah, I have no problem. I mean, just  
9 whatever I could recall, yeah.

10 Q. Yeah. It's fair to say that you -- you  
11 thought telling him what you knew would get him off  
12 your back, so to speak?

13 A. No. It was more of a I didn't  
14 understand why after all this time. I didn't  
15 understand the -- the entire scope of it.

16 But no, I didn't feel like it was --  
17 I wanted to get the process over and done with and  
18 do what I could. But other than that, no, I  
19 wouldn't say that.

20 Q. Okay. And did you -- did you tell the  
21 truth in all your conversations with this  
22 investigator?

23 A. Yeah.

24 Q. Okay.



1           A.       I had no reason not to.

2           Q.       And you didn't hide anything from him  
3 that you thought might be significant?

4           A.       No. I figured the more -- I mean, from  
5 what I can remember, it was a long time ago. But  
6 intentionally hide, no.

7           Q.       Okay. And you also had a conversation  
8 where Oscar was -- or this person whose name might  
9 be Oscar, this investigator was present with you,  
10 and then there was also someone on the phone you  
11 were speaking with at that time, right?

12          A.       Right.

13          Q.       And you think that person on the phone  
14 was probably an attorney?

15          A.       From what I can remember. I don't  
16 remember the name, but I just remember he was  
17 speaking with someone.

18          Q.       Okay.

19          A.       It seemed to be an authority over him,  
20 I guess.

21          Q.       Got it.

22                   A boss of some kind.

23          A.       Yeah.

24          Q.       And that person on the phone said

1 something about what organization he worked for,  
2 right?

3 A. Oscar and the gentleman said something  
4 about a -- I don't even remember the name of the  
5 organization. I remember they said that they were  
6 working for some -- some group or on behalf of them.

7 Q. Okay. And they said they were working  
8 on something involving misconduct by police  
9 officers?

10 A. No, they didn't use that term.

11 Q. Okay.

12 A. They said specifically in this case  
13 something about a -- oh, geez, exactly -- the exact  
14 wording. It wasn't that vague. I think it was  
15 more towards the case.

16 Q. Okay. Did anybody at any time make you  
17 any promises or promise to give you anything or do  
18 anything for you in exchange for signing the  
19 declaration?

20 A. No.

21 Q. Did anybody ever make any threats to  
22 you? Like there would be consequences if you  
23 didn't sign a declaration?

24 A. No.

1           Q.     Okay. So would it be fair to say you  
2 signed the declaration because it was true based on  
3 your review of it and not because of any promises  
4 or threats?

5           A.     There were no promises or threats made,  
6 no.

7           Q.     Okay, great.

8                     So I want to kind of jump back now  
9 to 1993 and just make sure I understand kind of the  
10 sequence of events, if that's --

11          A.     Okay.

12          Q.     -- okay?

13                    So you remember being in your  
14 apartment when you heard gunshots outside, right?

15          A.     I heard the gunshots, yes.

16          Q.     Okay. You don't remember exactly what  
17 you were doing before that, but you think you  
18 probably were sleeping? Is that fair?

19          A.     If it was in the afternoon, I remember  
20 I was listening to music because that's where the  
21 stereo system was, and the television was on when  
22 the shooting had occurred. If it was before that,  
23 we're talking hours before that, I would have been  
24 sleeping.

1           Q.     Okay. Do you have any memory of going  
2 for a walk or going out to run errands or anything  
3 like that earlier in the day?

4           A.     No. Like I said, back then, it was  
5 either working at the church or in the house.

6           Q.     Okay. And so you are -- were in -- on  
7 the third floor in the south unit of the building  
8 at 2148 North Sawyer. Do I have that right?

9           A.     Yes.

10          Q.     Okay. And the windows in that unit,  
11 did they -- did those windows look to the east and  
12 to the south?

13          A.     Yes.

14          Q.     Okay. Did you have any windows in that  
15 unit that let you look straight north?

16          A.     No.

17          Q.     Okay.

18          A.     No. All the windows are pretty much on  
19 the Sawyer side, and there's like one window that  
20 looks into the neighbor's yard headed towards the  
21 other street, the opposite direction.

22          Q.     Okay. And you had said you lived  
23 nearby in another unit before you and your mom  
24 moved into the unit at 2148 North Sawyer; is that

1 right?

2 A. It was a different apartment building  
3 up the street.

4 Q. When you say --

5 A. I believe it was --

6 Q. Go ahead.

7 A. 2130 -- I'm sorry, no. Yeah, 2130 on  
8 the same street. It was a huge apartment building.

9 Q. Okay. On -- on Sawyer a little bit to  
10 the south; is that right?

11 A. Yeah, right.

12 Q. And at -- at your unit at 2148 Sawyer,  
13 you said it was the third floor, right?

14 A. Uh-hmm.

15 Q. Were there any --

16 MR. BRUEGGEN: Is that a yes?

17 THE WITNESS: Yes.

18 MR. HAZINSKI: Thank you.

19 MR. BRUEGGEN: Sorry, John.

20 BY MR. HAZINSKI:

21 Q. It's real easy to lapse into ordinary  
22 conversation, and I mess up all the time, so we'll  
23 just do our best to try to --

24 A. Okay.

1 Q. -- remind ourselves.

2 Was there a floor of apartments  
3 above the one you lived on, or were you the top  
4 floor apartments in that building?

5 A. That was the top floor that I lived on.  
6 It was three floors.

7 Q. Three.

8 And so at that time when you were  
9 living there, David Chmielewski lived in the -- on  
10 the first floor in the north unit, right?

11 A. The first floor in the middle unit.

12 Q. In the middle unit.

13 A. Right. There were three sections:  
14 The -- the one that faced Palmer, then there was  
15 the middle units that had the -- the side entrance,  
16 and then the rear units. That's where we lived up  
17 at the top.

18 Q. Was the side entrance a door on Sawyer?

19 A. It was off of Sawyer.

20 Q. Okay.

21 A. In -- in between the middle units and  
22 the rear units, which is pretty much the main --  
23 the main entrance.

24 Q. To get to your apartment on the third

1 floor north, were you able to use that entrance on  
2 Sawyer, or did you have to use a different one?

3 A. No, that was that or through the porch  
4 from the alley.

5 Q. Okay, got it. Thanks for clarifying  
6 that.

7 Did you have any relationship with  
8 any of the folks who lived on the second floor of  
9 that building?

10 A. The only person I remember living on  
11 the second floor was an elderly woman, and she  
12 didn't really talk to anyone at all. I don't even  
13 remember her name. On the second floor and the  
14 rest of the building, pretty much from the second  
15 floor up, I don't think there was anyone that lived  
16 there.

17 Q. Okay. So do you have any memory of --  
18 let me -- let me jump ahead a little bit.

19 So after the shooting, some  
20 uniformed officers came to the building to talk to  
21 the people that lived there, right?

22 A. Correct.

23 Q. Okay. And during that conversation,  
24 did you -- did you tell those uniformed officers



1 basically what you told us about what you witnessed?

2 A. More or less. It was a very -- it  
3 wasn't a long conversation. They were upstairs for  
4 a few minutes, and then they took down -- they were  
5 writing down on the pad some information, did we  
6 see anything, hear anything, whatever.

7 Q. Right.

8 A. And I told them pretty much yeah, I  
9 heard the gunshots. That was about it.

10 Q. Did you tell them you went and looked  
11 out the window and didn't see anything?

12 A. Uh-uh.

13 Q. You didn't tell them that?

14 A. It didn't come up, I don't think. Like  
15 I said, it was -- they weren't there for that long.  
16 When the detectives came, they asked more questions  
17 for the -- yeah.

18 Q. Okay. So Sawyer, back as it existed,  
19 that block of Sawyer back in 1993, June '93 --

20 A. Uh-huh.

21 Q. -- had a number of trees, right?

22 A. Uh-hmm.

23 MR. BRUEGGEN: Is that a yes?

24 THE WITNESS: Yes, sorry.

1 BY MR. HAZINSKI:

2 Q. Thanks.

3 And looking out the window of your  
4 unit back then, did the trees obstruct your view of  
5 any part of the street at all?

6 A. Yes. I could see the building across  
7 the street and the alley, and I could see the boys  
8 club. But the street corner, I couldn't see.

9 Q. Okay. And that was because the trees  
10 were blocking the view?

11 A. Right.

12 Q. And at this time of year in -- in June,  
13 were there leaves on the trees that made it harder  
14 to see?

15 A. I -- I would imagine so. I mean, yeah.

16 Q. Just based on your general knowledge of  
17 trees?

18 A. Yeah. I mean, there was a big tree out  
19 in front. It was always there until it got cut  
20 down after a lightning storm. Yeah, there were  
21 trees all over.

22 Q. Okay. And so basically because of  
23 those trees, you would only have a pretty limited  
24 view of what was going on in the exterior, right?

1 A. Uh-hmm.

2 Q. Yes?

3 MR. BRUEGGEN: Is that a yes?

4 THE WITNESS: Yes.

5 BY MR. HAZINSKI:

6 Q. Thanks, okay.

7 So after you talked to the uniformed  
8 officers, the detectives came to talk to you, right?

9 A. Yes.

10 Q. And your mom was not yet home when they  
11 first arrived?

12 A. When the officers came, she was not  
13 home. She came when the -- the detectives came,  
14 then she was home at that time.

15 Q. Okay. So she came home at some point  
16 in the interim between the uniformed officers  
17 leaving and the detectives showing up?

18 A. Yes.

19 Q. Is your mom's name -- your mom's name  
20 is Sara or Sara?

21 A. Yes.

22 Q. Okay. Did your mom tell you that she  
23 had seen anything in connection with the shooting  
24 incident?

1 A. No, she was at work.

2 Q. Okay. And you said when the detectives  
3 came you told them that you hadn't seen anything in  
4 terms of the actual shooting or who had done the  
5 shooting, right?

6 A. Right.

7 Q. Okay. But you don't remember what  
8 exactly these detectives looked like, do you?

9 A. It's been so long. I can't remember.

10 Q. Do you remember if they were white?

11 A. I want to say yes. I just can't  
12 remember if both of them were white.

13 Q. Okay. Do you remember if either of  
14 them were black?

15 A. No.

16 Q. No, meaning you don't remember, or no,  
17 meaning you don't think they were?

18 A. No, meaning I don't remember.

19 Q. Okay. Do you speak Spanish?

20 A. Yes. Not fluently, but yes.

21 Q. Do you remember speaking any Spanish  
22 with any of the police you talked to at any point  
23 during all this?

24 A. No.

1 Q. It was all -- all in English?

2 A. Yeah.

3 Q. Okay. So the detectives showed up, and  
4 you relate to them basically what you've told us  
5 about hearing the gunshots, going to the window,  
6 and looking and not seeing anything, right?

7 A. Yeah. All I could see was the alley,  
8 like I said before, across the street. The reason  
9 being is there's been shootings before, and usually  
10 that's where it comes from. We had bullet holes in  
11 the garage and the basement because of that.

12 Q. Okay. Sorry if you answered this  
13 already, but do you remember when you heard the  
14 gunshots and went to look out the window of your  
15 unit, were you looking out the east facing windows?

16 A. Yeah. They all face east, except for  
17 the one in my bedroom.

18 Q. Okay.

19 A. They all -- yeah, this would have been  
20 the living room, yeah, it's right across the street  
21 to the building across the street.

22 Q. Do you recall or can you give your best  
23 estimate of how long you looked out of the window  
24 when you did that?

1           A.       It was a few -- it was a few seconds.  
2       Maybe -- I don't know. I was startled by it. I  
3       remember that. And I got up and I looked. I  
4       didn't stick my head out. I just looked across the  
5       street maybe for like, you know, half a minute.

6           Q.       Okay. The detectives who showed up at  
7       your apartment gave you some books of photos to  
8       look through, right?

9           A.       Right.

10          Q.       Did they have those with them when they  
11       came up to your apartment?

12          A.       Yes.

13          Q.       Okay. And they asked you to look  
14       through to see if you could identify anybody who  
15       had a picture in those books, right?

16          A.       Yes.

17          Q.       Okay. At that point had you already  
18       told them that you didn't see anything relating to  
19       the shooting?

20          A.       Uh-hmm, yes.

21          Q.       Did they explain to you why they wanted  
22       you to look at those books after you told them that  
23       you hadn't seen anything?

24          A.       They -- from what I can remember,

1 they -- after I told them I didn't see anything,  
2 they said, Well, can you take a look and see if you  
3 remember anyone from the day, like maybe hanging  
4 out around the neighborhood that day.

5 Q. Okay.

6 A. If I -- if I remember correctly. It  
7 was something along those lines.

8 Q. Did you tell them that you had seen  
9 anybody on that day?

10 A. No. I told them I didn't see anyone  
11 because I haven't left. And once -- after I looked  
12 at the photo album, the pictures they showed me, I  
13 told them I didn't recognize anyone at all, period.

14 Q. Meaning, you didn't even recognize  
15 anybody just that you knew generally unrelated to  
16 the incident?

17 A. Yes.

18 Q. Okay. Like for instance, you didn't  
19 recognize anybody as like a guy you'd seen on a  
20 corner recently or anything like that?

21 A. Correct.

22 Q. Okay. The detectives you were talking  
23 to in your apartment, were they taking notes during  
24 your conversation?



1           A.       I can't remember.

2           Q.       Okay. Apart from giving you the photo  
3 books to look through, one or more photo books I  
4 should say, did they give you anything else to look  
5 at?

6           A.       No.

7           Q.       Okay. The people in the photo books,  
8 you said you thought they were criminals because  
9 they looked like they were all mugshots, right?

10          A.       Right.

11          Q.       Do you have any idea whether those  
12 books had pictures of people who were members of  
13 gangs?

14          A.       I have no clue.

15          Q.       Okay.

16          A.       Yeah.

17          Q.       Did the detectives -- when you were  
18 talking to them in your apartment, did the  
19 detectives tell you they thought the shooting might  
20 have been gang related?

21          A.       No, not that I remember. That never  
22 came up. I don't think so.

23          Q.       Okay. So those detectives left after  
24 maybe 20 minutes or half an hour; is that right?

1           A.     A little bit less than that, but yeah,  
2     it sounds about right.

3           Q.     Okay. And you took the time to look  
4     through the photo books they gave you to see if you  
5     recognized anybody, right?

6           A.     Right.

7           Q.     Okay. I said photo books, but it could  
8     have just been one photo book or possibly more?

9           A.     I can't remember if it was one or two  
10    binders. Might have been one big one or two  
11    smaller ones, but yeah.

12          Q.     And that definitely happened in your  
13    apartment, right?

14          A.     In the apartment.

15          Q.     Okay. Did your mom look through those  
16    photo books as well?

17          A.     No.

18          Q.     Okay. Did you tell those detectives  
19    that you had seen somebody wearing a black starter  
20    jacket earlier that day?

21          A.     No.

22          Q.     Did you tell them that you had seen  
23    members of the -- the IGs earlier that day?

24          A.     I don't remember saying it. So I mean,

1 it doesn't mean they weren't there, but I -- I  
2 don't remember saying that at all.

3 Q. Okay. Do you remember telling the  
4 detectives you saw someone wearing pink or red  
5 pants earlier that day?

6 A. No.

7 Q. Do you remember telling detectives you  
8 saw someone wearing baggy pants or a black hoodie  
9 earlier that day?

10 A. No.

11 Q. Did you ever tell detectives that you  
12 saw someone who was about five-foot-four inches in  
13 height or 140 pounds?

14 A. No.

15 Q. Okay. And did you tell detectives that  
16 you had seen three small children in the area  
17 earlier that day?

18 A. No.

19 Q. Okay. So the detectives were there for  
20 a little while when you looked at the photo books,  
21 and then they left, right?

22 A. Yes.

23 Q. And they gave you a card at that point,  
24 but you don't still have that, right?

1 A. No.

2 Q. Okay. Now, you testified that you  
3 think that you got picked up and taken to the  
4 station soon after that, right?

5 A. It was -- after they left -- yeah, it  
6 was nighttime when they came to pick us up.

7 Q. Okay.

8 A. They were -- the detectives were  
9 here -- were at the place on Sawyer, it was still  
10 daytime.

11 Q. Okay.

12 A. And then after that, they sent  
13 someone -- they had called first to let us know  
14 they were sending a car.

15 Q. Okay. And you testified that was --  
16 that later in the evening that happened around like  
17 11:00 or 11:30, right?

18 A. Around that time. I remember it was  
19 late.

20 Q. Okay. And you're pretty sure it was  
21 the same -- all that happened on the same day?

22 A. I want to say yes, from what I can  
23 remember.

24 Q. Is it possible it was maybe a day or

1 two later?

2 A. I don't think so. I mean, from what  
3 I -- it's hard remembering back then. But from my  
4 mind, I remember it happening on the same day.

5 Q. Okay. Is it possible it was as long as  
6 two weeks later?

7 A. Oh, no.

8 Q. Okay. Sorry, one -- one second here.

9 So you mentioned that there was a  
10 gang that had its kind of central turf in that area  
11 around Sawyer and Palmer, right?

12 A. Yes.

13 Q. And you said they were called the  
14 Insane Gangster Disciples?

15 A. Yeah.

16 Q. Okay. And Mr. Brueggen, the attorney  
17 for the defendant officers, was asking you some  
18 questions where he used the abbreviation IGs.

19 A. Right.

20 Q. Is that what you understood him to be  
21 referring to in those questions?

22 A. Yes.

23 Q. Okay. Did you personally know any  
24 members of that gang back in 1993?

1           A.     I didn't -- did not hang out with any  
2 of those people, no.

3           Q.     Okay.

4           A.     I knew the ...

5           Q.     So I want to talk about when you were  
6 picked up and brought to the station.

7                     So they -- someone gave you a call  
8 ahead of time to let you know that you were going  
9 to get picked up, right?

10          A.     Right.

11          Q.     Okay. But you don't remember who it  
12 was specifically that called you?

13          A.     I -- I believe it was one of the  
14 detectives.

15          Q.     One of the ones you had talked --  
16 talked to previously?

17          A.     That came to the house previously.

18          Q.     Okay. And they picked up you and David  
19 from 2148 North Sawyer, right?

20          A.     Correct.

21          Q.     And they brought you to that police  
22 station over on West Grand Avenue?

23          A.     Yes.

24          Q.     Okay. Which you -- you -- I think you

1 referred to it as Area Five before, right?

2 A. Well, that's what it was called before,  
3 yeah.

4 Q. Okay. Do you recall how many officers  
5 came to pick up you and David?

6 A. Two.

7 Q. Okay. But you're not sure -- it could  
8 have been the same ones that had talked to you  
9 earlier, but you don't remember?

10 A. I don't remember, but may have been the  
11 same people, but I don't remember.

12 Q. Okay. Besides those two officers and  
13 yourself and David, was anybody else in the car at  
14 that point?

15 A. No.

16 Q. Okay. And you were brought to the  
17 station, and you and David were seated at desks at  
18 the station, right?

19 A. I was seated at one desk, he sat in  
20 another, and then I guess we were separated.

21 Q. At that point did you know why you were  
22 at the station?

23 A. To look at the lineup.

24 Q. Okay. Did -- did you look at any



1 photographs while you were at the station?

2 A. Not that I remember.

3 Q. Okay. You don't remember looking  
4 through a similar one of those binders full of  
5 photos?

6 A. No, no.

7 Q. Okay. Do you remember seeing David  
8 look through any photos or any binders of photos at  
9 the station?

10 A. No. Like I said, we were -- I hadn't  
11 seen him until we were getting ready to leave. So  
12 after we initially got there, we were not in the  
13 same room or in the same area.

14 Q. Okay. So you were separated into  
15 different rooms inside the station?

16 A. I -- I wouldn't say rooms but just  
17 desks. He was in another area. I didn't really  
18 see him.

19 Q. Okay.

20 A. Yeah.

21 Q. He -- he wasn't close enough nearby you  
22 where you were able to keep an eye on him the whole  
23 time.

24 A. Exactly.

1           Q.     Okay. And you weren't able to have  
2     conversations back and forth with him until the  
3     very end of your time at the station, right?

4           A.     Correct.

5           Q.     Okay. Did any detectives come and talk  
6     to you while you were at the station before you  
7     actually went in to see the lineup?

8           A.     A detective, no. There was, like I  
9     told the gentleman prior, someone who -- I don't  
10    remember his title -- that came and introduced  
11    himself and thanked us for coming in. And they  
12    explained what was going to happen about the  
13    lineup, and that was it.

14          Q.     Okay.

15          A.     Very brief.

16          Q.     And that person you understood to be a  
17    prosecutor of some kind, right?

18          A.     Or district -- I -- I seem to remember  
19    assistant district attorney or something like that.  
20    I don't exactly remember the name or anything.

21          Q.     Is it possible he said he was an  
22    assistant state's attorney?

23          A.     Perhaps.

24          Q.     Okay. Other than that conversation

1 with that gentleman, did you talk to anybody else  
2 in the period while you were at the station waiting  
3 to see the lineup?

4 A. No.

5 Q. Do you know whether David talked to  
6 anybody during that --

7 A. I do not.

8 Q. You don't know.

9 A. No.

10 Q. Okay. How long would you estimate you  
11 were at the station before you went in to view the  
12 lineup?

13 A. 10 minutes.

14 Q. Okay. And so you would have gotten  
15 picked up from your home sometime around 11:00 or  
16 11:30 that evening, right?

17 A. Yes.

18 Q. And about how long did the drive to the  
19 station take?

20 A. Like 10 minutes.

21 Q. Okay. And then you were there for  
22 another 10 minutes before you saw the lineup.

23 A. Right.

24 Q. So would it be fair to say that lineup

1 procedure, based on your memory of the timing,  
2 would have happened at or before midnight of that  
3 evening?

4 A. At or before, that sounds right.

5 Q. Okay. Do you remember who it was that  
6 actually brought you into the room to look at the  
7 lineup?

8 A. No, I do not.

9 Q. And you said you remember there being a  
10 detective in that room as well as another person;  
11 is that right?

12 A. The detective who brought me into the  
13 room was one of the people who picked us up, and  
14 there was another person in the room, but I didn't  
15 speak to that person.

16 Q. Okay. And that person didn't say  
17 anything to you or say anything to anyone else?

18 A. Not at all.

19 Q. Do you have any memory of what that  
20 person looked like at all?

21 A. No. Like I said, I remember it was  
22 dark. I knew there was someone there, but I didn't  
23 speak to them. I didn't -- I could vaguely see  
24 them.

1 Q. Okay. The person who had introduced  
2 himself to you as an assistant district attorney or  
3 something like that --

4 A. Uh-hmm.

5 Q. -- was that person in the room with you  
6 during the lineup procedure?

7 A. No.

8 Q. Okay. The mystery person who was in  
9 the lineup room that you didn't get a good look at,  
10 do you know one way or another whether that person  
11 was a police officer?

12 MR. BRUEGGEN: Object to form, "mystery."

13 Go ahead, sir.

14 THE WITNESS: Yeah, I can't tell you that. I  
15 can't answer that question. I would -- I mean,  
16 they were -- I don't even remember how they were  
17 dressed. I just remember there was another person  
18 there. They were just off to the side.

19 BY MR. HAZINSKI:

20 Q. Okay. Was David ever in the room  
21 viewing the lineup at the same time as you?

22 A. No.

23 Q. Was anybody else ever brought in to the  
24 room to view the lineup while you were in there?

1           A.       No. It was just the person that  
2 brought me in and the mystery person.

3           Q.       Okay. Your understanding from talking  
4 to David a little later was that he had viewed the  
5 same lineup in the same manner as you, right?

6           A.       Yeah.

7           Q.       Are you aware of anybody else who was  
8 at the station at that time who was viewing the  
9 same lineup?

10          A.       No --

11          MR. BRUEGGEN: Object to foundation.

12                   Go ahead.

13          THE WITNESS: Not that I noticed. I didn't  
14 notice anyone else other than David and myself.

15 BY MR. HAZINSKI:

16          Q.       Okay.

17          A.       There were people there. I just -- I  
18 don't know what they were there for.

19          Q.       Right, okay.

20                   And you said that during that  
21 procedure no one suggested to you who -- who to  
22 pick out, right?

23          A.       Correct.

24          Q.       Okay. At that point had you already

1 told the detectives that you hadn't seen anything?

2 A. Oh, yeah.

3 Q. Did you tell detectives that more than  
4 once?

5 A. Whenever it was asked of me.

6 Q. From your point of view, did you have  
7 any understanding of why you were being asked to  
8 look at a lineup?

9 MR. BRUEGGEN: Object to form, speculation.

10 Go ahead, sir.

11 THE WITNESS: I was confused. I didn't  
12 really understand why I was looking at a lineup  
13 when I had already told them that I hadn't seen  
14 anyone afterwards or before. But I figured, you  
15 know, it's police, they're asking. You know, maybe  
16 however I could help, I could help, so I went along  
17 with it.

18 BY MR. HAZINSKI:

19 Q. Okay. Did anybody in that lineup look  
20 familiar to you in any way?

21 A. Not really, no.

22 Q. Okay. About how long in total would  
23 you say you were in that lineup room?

24 A. 3 minutes.



1 Q. Okay. And then when you left the  
2 lineup room, did the detective who had brought you  
3 in there leave with you as well?

4 A. Yes.

5 Q. What about the other individual in the  
6 room? Did that person leave with you as well?

7 A. I have no idea. I don't recall them  
8 leaving or coming with us, or I don't remember  
9 seeing them again after that.

10 Q. Okay. Do you know between you and  
11 David which of the two of you went to look at that  
12 lineup first?

13 A. I can't remember, to be honest with you.

14 Q. Okay.

15 A. I want to say David went first, but I  
16 just don't remember.

17 Q. Okay. When you left the lineup room,  
18 did you go back to the desk where you had been  
19 sitting before?

20 A. Yes.

21 Q. Okay. And you were there for a few  
22 minutes before you left, right?

23 A. Right. They -- they told us that they  
24 were going to take us back, and that's when I saw

1 David.

2 Q. Okay. And at that point you had a  
3 little opportunity to talk to David, right?

4 A. Not really. It was like another couple  
5 minutes, and then we were -- went back to his -- to  
6 the car and then they drove us home.

7 Q. How long in total would you estimate  
8 you were at the police station?

9 A. 20 minutes, half an hour, if that.

10 Q. Okay.

11 A. It wasn't very long. And it didn't  
12 seem like it was that long.

13 Q. Okay. And after you left the lineup --  
14 the lineup room, did you have any more  
15 conversations with the person who identified  
16 himself as an assistant district attorney?

17 A. No.

18 Q. Okay. And who drove you home from the  
19 station?

20 A. The same two officers that brought us  
21 there, or the detectives.

22 Q. Okay. And one of those officers was  
23 the same person who had escorted you into that  
24 lineup room, right?

1 A. Yeah.

2 Q. Okay. Have you ever heard of a former  
3 Chicago police detective named Reynaldo Guevara?

4 A. No.

5 Q. Okay. Do you ever remember ever  
6 reading any news coverage about him?

7 A. No, I can't say I have.

8 Q. Okay. Do you have any understanding of  
9 what the -- of what the claims or the allegations  
10 in this lawsuit are?

11 A. Not really. It's kind of confusing.

12 MR. HAZINSKI: Okay. Let me just make -- let  
13 me check and make sure I don't have anything else  
14 for you right now.

15 THE WITNESS: Okay.

16 MR. HAZINSKI: That's all I have for you at  
17 this time, Mr. Miranda.

18 THE WITNESS: Okay. Thank you.

19 FURTHER EXAMINATION

20 BY MR. BRUEGGEN:

21 Q. Mr. Miranda, I just have a couple quick  
22 questions in follow-up.

23 Earlier, Mr. Hazinski was just  
24 questioning you, asked you some questions about if

1 you recalled telling police officers certain  
2 information? Do you recall those questions?

3 A. Yes.

4 Q. Do you recall all the information you  
5 provided to either the uniformed police officers or  
6 the detectives?

7 A. All of the information?

8 Q. Yes.

9 A. Like I pretty much didn't see anything  
10 and about the -- the gunshots. That was about it.

11 Q. But what I'm asking you is: Do you  
12 recall each piece of information you provided them  
13 25, 30 years ago?

14 A. Oh, I don't -- I don't think so. Like  
15 faces and things like that and the people, I don't  
16 remember, so I pretty much just went off of memory  
17 what I remember now.

18 Q. So -- and earlier I think in my  
19 questioning, you had said -- or maybe it was in  
20 Mr. Hazinski's questioning, you had said that the  
21 police asked you if you had seen anybody that you  
22 recognized from seeing in the neighborhood that day.

23 A. They asked me if -- from what I  
24 remember, they asked me if I -- look at the

1 pictures to see if I saw anyone that might have  
2 been hanging out in the area previous to or  
3 afterwards.

4 Q. So based on that, it was your  
5 understanding that the police weren't asking if you  
6 saw the shooter, but rather whether you had seen  
7 anybody in the neighborhood.

8 A. Right. At first they asked me if I saw  
9 what had happened, and I told them no. And then  
10 that's when the rest came about, yeah.

11 Q. Okay. And do you have any recollection  
12 of whether you told the police that you had seen  
13 other gang members hanging out in the area earlier  
14 that day?

15 A. That's a hard question to answer  
16 because they were always there. They lived  
17 literally in the one building over. The -- so it's  
18 like I don't remember it being a thing where I  
19 said, Oh, the gang-bangers, this certain person was  
20 there, but they were always in the neighborhood.

21 Q. So it's possible you said that you saw  
22 gang-bangers earlier that day before the shooting.  
23 You just don't recall one way or another?

24 MR. HAZINSKI: Objection --

1 THE WITNESS: Correct.

2 MR. HAZINSKI: -- mischaracterizes testimony.

3 BY MR. BRUEGGEN:

4 Q. I'm sorry. I didn't hear. What'd you  
5 say? What was your answer, sir?

6 A. Correct.

7 MR. BRUEGGEN: Those are all the questions I  
8 have. Anybody else?

9 MR. HAZINSKI: I have a little --

10 MR. RAHE: I have some.

11 MR. HAZINSKI: Oh, go ahead, Austin.

12 FURTHER EXAMINATION

13 BY MR. RAHE:

14 Q. Mr. Miranda, do you know if any  
15 witnesses or potential witnesses viewed a lineup,  
16 the same lineup at the police station after you,  
17 other than maybe David Chmielewski?

18 A. No. Like I said, when we left the  
19 police station that day, that was the last I've  
20 ever heard of it until previously -- or until  
21 recently.

22 Q. While -- while you were at the police  
23 station for the lineup, were you checking the time  
24 or anything like that?

1           A.       No.

2           Q.       So now here we are 28 years later, and  
3 you're just kind of giving your best guess at how  
4 long you think you were at the police station  
5 28 years ago, right?

6                               (Interruption.)

7           THE WITNESS: Yes. Right. Like I said, I  
8 knew it was late at night, and we got back --

9                               (Interruption.)

10          THE WITNESS: -- around midnight. If it was  
11 after that, I mean, give or take an hour or half an  
12 hour. Spot on what time exactly it was, no, I just  
13 knew it was late at night. Probably due to the  
14 fact that my mom was upset.

15          MR. RAHE: Got you. All right. That's all  
16 the questions I have. Thank you very much.

17                               FURTHER EXAMINATION

18 BY MR. HAZINSKI:

19          Q.       I just have a couple quick questions to  
20 follow up on what Mr. Brueggen asked you a second  
21 ago.

22                               So earlier you testified to your  
23 memory of what you had been doing before the  
24 shooting and what you did when you heard the



1 gunshots, right?

2 A. Right.

3 Q. And that's information you relayed to  
4 the police, right?

5 A. Yeah.

6 Q. Did you ever tell police that you had  
7 been out and about earlier in the day?

8 A. No.

9 Q. Because you hadn't been out and about  
10 earlier --

11 A. Because I hadn't been out, right.

12 Q. You hadn't been outside and had the  
13 opportunity to see people hanging out on a street  
14 corner a few hours before the shooting, for  
15 example, right?

16 A. Not that street corner. Like I said,  
17 the only view from my house is the alley across the  
18 street usually where they congregated.

19 Q. So you didn't have a chance to be  
20 outside to see a group of people hanging --

21 A. (Nodding.)

22 Q. -- outside the boys club, for instance?

23 A. Not at all.

24 Q. Okay. And you wouldn't have told that

1 to the police if it wasn't true, right?

2 A. Well, correct.

3 MR. HAZINSKI: Okay. I have nothing more for  
4 you.

5 MR. BRUEGGEN: Anybody else?

6 I have nothing else for you,  
7 Mr. Miranda, but there is one thing we need to talk  
8 to you about.

9 As I mentioned earlier, the court  
10 reporter is typing everything up. So you have the  
11 right to review once this is typed up. You can  
12 coordinate with the court reporter to go review the  
13 transcript and make sure everything was taken down  
14 correctly. You can't change your answers from a  
15 yes to a no, but you can correct either  
16 mistranscriptions if she misheard you or spellings,  
17 and you can reserve signature.

18 The other option you have is you can  
19 waive signature and trust the court reporter took  
20 down everything correctly, and then it'd be over.

21 But the choice is yours whether you  
22 want to reserve signature and then coordinate with  
23 the court reporter to review the transcript to make  
24 sure it's correct or whether you'd like to waive

1 signature.

2 THE WITNESS: I waive signature.

3 MR. BRUEGGEN: Okay. Let the record reflect  
4 signature waived.

5 THE VIDEO TECHNICIAN: This is the end of  
6 media unit 1. This concludes the deposition of  
7 Efrain Miranda. The video will be retained by  
8 Urlaub Bowen & Associates. We are going off the  
9 record. The time is 11:55 a.m.

10 (The proceedings adjourned at  
11 11:55 a.m.)

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## REPORTER'S CERTIFICATE

I, Katie K. Elliott, do hereby certify that EFRAIN MIRANDA was duly sworn by me to testify the whole truth, that the foregoing deposition was recorded stenographically by me and was reduced to computerized transcript under my direction, and that the said deposition constitutes a true record of the testimony given by said witness.

I further certify that the reading and signing of the deposition was waived by the deponent.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Chicago, Illinois, this 1st day of June 2021.

A handwritten signature in black ink, reading "Katie K. Elliott". The signature is written in a cursive, flowing style. The first name "Katie" is written with a large, stylized "K". The middle initial "K." is written in a smaller, more compact cursive. The last name "Elliott" is written with a large, stylized "E" and a long, sweeping tail that extends to the right.

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